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PREPARATORY COMMITTEE FOR THE
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Working Group II
Item 2 of provisional agenda

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS:

PROTECTION OF OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Compilation Document

Report of the Secretary-General of the Conference

INTRODUCTION

i. The Preparatory Committee in paragraphs 4 and 5 of decision 3/21, at its third session, requested the Secretary-General of the Conference to submit for its consideration, at its fourth session a compilation document comprised of the outcome of discussions ("Chairman's Working Paper of 23 August 1991" and "some delegations' proposals dated 27 August 1991") and other documents and

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proposals submitted to the Chairman during the third session or submitted to the Secretary-General in writing before 15 October 1991. This document responds to that request.

ii. The format of this document is as follows:

(a) A number at the end of a paragraph indicates the original paragraph number of document A/CONF.151/PC/42/Add.6;

(b) Proposals submitted during the Third PrepCom and available to delegations in conference room papers are underlined;

(c) Comments proposed by delegations after 23 August and before 15 October are enclosed by two ## and underlined;

(d) The delegation which proposed the amendment is mentioned in parentheses at the end of the proposal;

(e) Paragraph numbering follows the Chairman's Working Paper of 23 August 1991;

(f) Where alternative wordings for a paragraph have been proposed, they are so indicated;

(g) Comments received after the 15 October deadline set by PrepCom III before 30 October could not be integrated into the Compilation Document and have been added as appendices.

iii. In accordance with paragraph 6 of decision 3/21, the Preparatory Committee requested the Secretary-General of the Conference to submit at its fourth session a revised Options for Agenda 21, indicating the origin of proposals when they reflect the results of experts meetings, taking into account:

(a) United Nations General Assembly Resolution 44/228;

(b) The debate and the relevant decisions taken at this session including the format of Agenda 21 and means of implementations as contained in A/CONF.151/PC/L.49;

(c) The results of the Meeting of Experts on the Degradation of the Marine Environment from Land-Based Sources of Pollution and Activities in Coastal Areas, to be convened by UNEP.

That document is available as A/CONF.151/PC/113.

PROTECTION OF OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

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[GENERAL OBJECTIVES]

[1. The marine environment - including the oceans and adjacent coastal areas - forms an integrated whole that is an essential component of the global life support system. It should be viewed as a positive asset presenting opportunities for sustainable development. Management of its environmental quality and ecological integrity is a prerequisite for ensuring the sustainable use and development of its resources.

2. (alternative A) [Principles of] The United Nations Convention on the Law of the Sea (UNCLOS) provides [the international framework within which] [basis] to pursue the protection and sustainable development of the marine environment. [UNCLOS] contains generally accepted rights and obligations of States with respect to the marine environment. Implementation of those rights and obligations constitutes the objective of this part of Agenda 21 dealing with the oceans]. (Contact group)

[2. (alternative B) Principles of the United Nations Convention on the Law of the Sea (UNCLOS) provide [the international framework within which] [basis] to pursue the protection and sustainable development of the marine environment. Although UNCLOS lacks the necessary ratification to enter into force, it provides a solid legislative base to govern international relations that addresses rights and obligations of States to deal with ocean management. Legal and economically focused management regimes for the protection and development of the marine environment must incorporate the two levels provided by UNCLOS: Coastal Areas and Exclusive Economic Zones, where governments have certain rights and responsibilities within national jurisdiction; and high seas, which requires different cooperative arrangements at the global, regional and national levels]. ## revised paragraph ## (Mexico).

3. Within this framework, achievement of the protection and sustainable use of the marine environment requires new approaches to ocean management, at the national, regional and international levels - approaches that are integrated in content and precautionary and anticipatory in ambit. The overall goal is to ensure that the oceans provide environmental and economic benefits for the well-being of present and future generations.

This goal includes:

[- integration of protection of the marine environment into/and overall economic development policies taking into account ## development of sound scientific knowledge and ## (Japan) changes in value resulting from uses of the [coastal and] marine environment;]

[- Rational use of the marine environment to provide full requirements needed for a sustainable development]

- prevention, reduction and control of pollution [and other type of degradation] of the marine environment, including coastal and marine ecosystems;

- preservation of the biological diversity and productivity of marine species, [habitat] and maintenance of the ecological relationships among populations of such species.]

(Contact group)

[3 bis. To achieve these goals, the United Nations General Assembly could accomplish the following actions:

- Training at all levels, in the short, medium and long term of human resources for research, technology and management of coastal areas marine resources.

- Infrastructure Development and;

- Assignment of the necessary funds]. (Venezuela)

PROPOSED PROGRAMME AREAS

Agenda 21 for oceans includes the following programme areas:

A. INTEGRATED MANAGEMENT AND SUSTAINABLE DEVELOPMENT OF COASTAL AREAS, EXCLUSIVE ECONOMIC ZONES AND [MARINE ECOSYSTEMS]

B. MARINE ENVIRONMENTAL PROTECTION ACTIVITIES

(1) Prevention, Reduction and Control of Degradation of the Marine Environment from Land-based Activities

(2) Prevention, Reduction and Control of Degradation of the Marine Environment from Sea-Based Activities

[C. SUSTAINABLE UTILIZATION AND CONSERVATION OF MARINE LIVING RESOURCES:

(1) High Seas

(2) National Jurisdiction]

[C. SUSTAINABLE USE AND CONSERVATION OF HIGH SEAS: LIVING RESOURCES

D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION]

E. ADDRESSING CRITICAL UNCERTAINTIES FOR THE MANAGEMENT OF MARINE ENVIRONMENT AND CLIMATE CHANGE

F. STRENGTHENING INTERNATIONAL, INCLUDING REGIONAL COOPERATION AND COORDINATION

Each Programme Area will include the following components:

Basis for actions

Objectives

Activities

Management-related

Data and Information

International and Regional Cooperation and Coordination

Means of Implementation

Financing and Cost Evaluation

Scientific and Technological Means

Human Resources Development

Capacity Building of Developing Countries for Preventive and Corrective Action in the Field of Environment Protection and Promotion of Development

Follow up of implementation

A. INTEGRATED MANAGEMENT AND SUSTAINABLE DEVELOPMENT OF COASTAL AREAS, EXCLUSIVE ECONOMIC ZONES AND MARINE ECOSYSTEM

Basis for actions

4. The coastal area is important for human settlements and for development through agriculture, forestry, fisheries 1/ and aquaculture, various industries, port development, shipping, marine and coastal transport, shore protection, tourism and recreation, national security, waste disposal and conservation of marine ecosystems. The Economic Exclusive Zone (EEZ) is also very important for people and for development because in this area the coastal States exercise an active protection on ## and conservation of ## (Maldives, Marshall, Kiribati, Solomons, Tonga and Vanuatu) the natural resources. ## For the small island State, the coastal zone and EEZ are the only areas available for social and economic activities ## (Cook Island and Fiji). Despite efforts at national, regional and international levels, the current sector and discipline oriented approach to the multiple use of marine and coastal resources does not provide an effective framework for achieving

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1/ References to fisheries should be changed to marine resources and fish to marine species (paras. 4-20) (Commission of the European Communities).

sustainable development. An holistic, multidisciplinary and inter-sectoral approach to planning and management is required in coastal areas (particularly in ## those fragile inter-related ecosystems such as are found in ## (Cook Island and Fiji) Island States, low coastal countries, enclosed and semi-enclosed seas) to identify and deal with potential interactions; allocate resources; anticipate and avoid conflict; minimize environmental degradation and face the challenge of potential climate change. There is an opportunity to optimize the sustainable use of coastal and EEZs areas and resources, building on the experience of regional programmes. (12)

[4 bis. Problems extend beyond fisheries. Coral reefs and other largely tropical coastal habitats such as seagrass communities, mangroves and estuaries are among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and or sea level]. (Contact group)

Objectives

5. (alternative A). Integrated management should provide the developing needs of coastal States, making full and cost effective use of natural resources, while maintaining and enhancing those resources for the use of future generations.

5. (alternative B). Integrated coastal zone management should provide for the developing needs of coastal States based upon optimum ecologically sustainable resource use. ## (Cook Islands and Fiji)

6. Assess, plan and manage on a rational economical basis, the sustainable development of the coastal and the EEZ areas and their resources while protecting, restoring and enhancing its productivity and conserving its biodiversity, regulating access to resources and rates of use, promoting environmentally safe technology, ensuring compatibility among sectoral developments, cooperating on transboundary issues and assessing effects of potential climate change, particularly the sea level rise. (13)

7. (alternative A). Agree on guidelines for integrated coastal zone and the EEZs area management and development by 1994, and establish at national, regional and global levels integrated planning management and development processes for sustainable use of coastal zones and EEZs by the year 2000. (14)

7. (alternative B). Establish at national, regional and global levels, as appropriate, integrated planning management and development processes for sustainable use of coastal zones and EEZs by the year 2000. ## (Iceland)

8. Adopt programmes for the establishment of protected areas and other measures to maintain species and their habitats in coastal areas and EEZ.

9. Establish a unified policy framework and intergovernmental mechanisms ## delete "and intergovernmental mechanisms" ## (Iceland) for coastal and EEZ natural resources management and development. Coordination should be promoted with governmental organizations, decision-makers, academic and private sectors, NGOs, local population and other users for this matter. (64(a))

10. Enhance the coordination for coastal and EEZs issues and introduce cooperative mechanisms. (57)

11. Introduce, for regional bodies, new arrangements to ensure effective coordination in the fields of environmental protection, fisheries [marine resource utilization] and development. [Provisions of mechanisms to facilitate the sustainable exploitation of the EEZs and the resources contained therein to meet the needs of the population.] (58) (Venezuela) ## keep "marine resources utilization" and delete last sentence in brackets ## (Iceland)

Activities

Management-related

12. Develop a Policy and Planning Framework. Each coastal State could establish a high-level planning body or a national coordinating mechanism involving the governmental organisms the academic and private sector and the local populations for integrated coastal and EEZ management and development. The main activity could be to develop integrated programmes and implement master/integrated coastal and EEZ plans, as part of the development plans that could include the following: (15)

(a) Appropriate legal framework for permits, licences and enforcement measures, allocation of resources and space, for banning of environmentally harmful fishing gears [exploitation practices] (Cook Islands) ## for regulating of unsustainable fishing practices ## (Japan) and for liability and compensation provisions. Environmental impact assessment procedures could be made mandatory; ## remove brackets and delete "fishing gears" ## (Iceland)

(b) [Programmes for operative environmental assessment] (Contact group) [Environmental assessment programmes] (Canada) identifying the causes of degradation of marine environment as well as measures to prevent or correct such degradation.

(c) Contingency plans for man-induced and natural disasters, taking into account the likely effects of potential climate change and sea level rise. Prior assessment of the potential significant adverse environmental impacts of major governmental policies, programmes and projects upon the coastal and the EEZ environment. The plans could include actions to restore altered critical habitats and living conditions of endangered species;

(d) Sectoral programmes addressing sustainability issues in each sector using the coastal area or impacting on it e.g. human settlements, tourism, fishing, ports and industries;

(e) Finance management systems, including accounting systems for coastal resources, allocation schemes and establishment of explicit user's rights, fees and investments, encouraging environmentally safe uses and rehabilitation and shifting from overcapitalized activities;

[(f) Public education and information programme to facilitate plan formulation, implementation and review.] (Venezuela)

13. Coastal States could establish protected areas in coastal and EEZ ecosystems which are important because of their high species diversity or role as nursery and recruitment grounds for fish in particular coral reefs, seagrass beds, mangroves, coastal lagoons, estuaries and other coastal wetland, including an inventory of endangered species and critical coastal and marine habitats and, where appropriate, protect them through national legislation. (33)

(a) Members States could support scientific research on and [monitoring] [systematic observation] (Mexico) of resources of these marine areas; particularly in areas of high diversity, endemism, productivity and spawning, recruitment, nursery grounds and migratory stopover points.

(b) Non-governmental organizations could assist countries in enhancing public awareness of the importance of marine biodiversity.

(c) Countries could implement national regulations to control the introduction of new species for aquaculture, which may give adverse effects on the ecosystem.

[(d) Limited use of resources in protected areas could be allowed statutorily if their use is justified by tradition.] (Philippines)

13 bis. ## Coastal States could take ## (Japan) Special measures [based on the best available scientific information], to preserve the habitats of marine species and designation of areas of the marine environment for special protection in order to:

(a) Protect rare or fragile ecosystems;

(b) Preserve or restore breeding, spawning, nursery and high biodiversity areas such as coral reefs, seagrass beds, mangrove forests and other highly productive habitats;

(c) Preserve or restore their scientific, wilderness, recreational or aesthetic values;

(d) Monitor changes in the marine environment;

(e) Preserve unique opportunities for scientific research;

(f) [Monitoring] [systematic observation] (Mexico) the changes to coral reefs and other marine life that threaten their ecological, economic and social value.] (Contact group) ## delete whole paragraph ## (Iceland)

International and Regional Cooperation and Coordination

14. Develop technical capacity for preparing policy interventions in support of integrated coastal and EEZs management. (17)

(a) International and regional organizations could help countries develop enforcement capacity for [monitoring], [systematic observation] (Mexico) control and surveillance. Reference is made to document entitled Global Ocean Observing System (A/CONF.151/PC/70).

(b) The coastal States with the cooperation of the relevant United Nations bodies ## intergovernmental agencies ## (Iceland) and non-governmental organizations, could establish geographical information systems including appropriate databases, statistics, maps and resource inventories particularly in sensitive areas and create a coastal multi-purpose [monitoring] [systematic observation] (Mexico) system to assess the potential of coastal areas resources and their status.

(c) Regional programmes could organize data networks with information about a critical mass of scientists and technicians for multidisciplinary research and management of coastal and EEZ systems.

15. Set up a Regional Coordinating Mechanism on coastal and EEZ development bringing together relevant international agencies, regional programmes, and donors including the regional development banks. Regional bodies could develop guidelines for improving compatibility between ecological and socio-economic concerns and among sectors, for restoring degraded natural systems to productive use and social benefit, and for transferring clean production technologies into coastal and EEZ development projects. (16)

Data and information

16. Enhance the capacity of the developing countries for the acquisition and availability of information and data adequate for prior assessments of the potential significant adverse environmental impacts of [and informed judgements] about major governmental policies, programmes and projects affecting the coastal and EEZ environment.

To improve the information base, it is necessary to:

(a) Assess the fishing resources [marine resources]. (Commission of the European Communities);

(b) Rationalize and expand the database available in most countries for management of coastal seas resources, with specific needs in mind. In particular, strengthen global coastal shelf and ocean observing systems, as proposed by IOC, UNEP and WMO need developing or strengthening;

(c) Assess technologies and information systems available to developing countries for storage and processing of data and for resources mapping, analysis and characterization (including remote sensing, coastal observing systems, etc.). In particular, develop Geographic Information Systems (GIS) including appropriate training and equipment;

(d) Assess present status of coastal zones urgently, including diagnostics on eutrophication, occurrence of coral bleaching, red tides, ciquatera, coliforms at beaches, nitrification and salination of groundwater, fish abundance, habitat degradation levels, identification of local and upstream impacting activities (agriculture and others), wetland obliteration, etc.;

(e) Prepare inventories (atlases) of present and potential activities in the coastal areas (including human settlements), or with impacts on such areas, in order to identify compatible or mutually exclusive activities and problem areas. Identify boundaries for specific pilot projects and zoning purposes;

[(f) Prepare inventories (atlases) of present and potential resources and activities in the EEZs.] (Venezuela) [Delete].

Capacity Building

17. Member States could create an interministerial mechanism, within the national planning and development bodies, for policy-making and long term planning on EEZ and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsibilities for EEZ and coastal areas within Governments and establish a reviewing mechanism to update and enforce relevant national legislation to EEZ/marine management and coastal development;

(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public;

(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions. (66)

18. Coastal States could organize training and extension programmes for resources users including fishermen, women and incorporate ocean issues and management in educational curricula and public awareness campaigns. Indigenous peoples could be supported to maintain and apply their traditional knowledge of the coastal environment and marine resources. (67)

19. Relevant global and regional agencies, ## and distant water fishing nations ## (Maldives, Marshalls, Kiribati, Solomons, Tonga and Vanuatu) should cooperate with coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technological infrastructure required and potentials for expansion in regional marine and coastal areas research, training, management and technologies;

(b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities;

(c) Prepare national and regional contingency and emergency plans, standard techniques for [monitoring] [systematic observation] (Mexico) species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems;

(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources;

(e) Establish programmes on marine environmental education and enhance public awareness of the role of marine environment for society. (68)

Means of implementation

20.

(a) Development of human resources, regional and international institutions related to the subject should help developing island countries to improve their scientific and technical capacities for the integrated management of their coastal areas and EEZs, according to the following:

- Define and implement regional training programmes on integrated management of coastal areas and EEZs with the participation of local and regional research centres, as well as with the native communities ## local authorities ## (Maldives, Marshalls, Kiribati, Solomons, Tonga and Vanuatu);

- Establish geographical information networks as a support for activities related to the integrated management of coastal and marine areas.

(b) Scientific and technological means

- The appropriate regional and international institutions could assist member States with support resources for the habilitation of [monitoring] [systematic observation] (Mexico) and research centres, as information networks, especially in developing countries.

(c) Financing and cost evaluation

- The cost and funding of the programmes to implement and integrate management and development of coastal areas and EEZs should be met by coastal States with the help of special funds provided by ## and, if necessary, by the assistance of ## (Japan) donor States and institutions, such as the World Bank and other regional financial institutions.

B. MARINE ENVIRONMENTAL PROTECTION: LAND-BASED AND SEA-BASED ACTIVITIES

Basis for Actions

21. Anthropogenic degradation of the marine environment can result either from a lack of, or an excess of, economic and industrial growth. The size and distribution of human population, particularly in coastal areas, the patterns of land use [agriculture, forestry, fisheries, urban development] (Colombia) and industry, and the extent to which these activities are managed can impact negatively or positively on the marine environment. Recognition of the anthropogenic sources as basic causes of marine degradation is a crucial step towards effective solutions.

22. A wide range of activities on land contribute to degradation of the marine environment. Of the contaminants to the sea, 40 per cent arrives via rivers and 30 per cent via the atmosphere, while maritime and dumping activities contribute 10 per cent each. The bulk of contaminants remain in coastal waters. The contaminants from land-based sources posing the greatest threat to the marine environment are sewage, nutrients, synthetic organic compounds, [particularly pesticides and herbicides] ## delete "pesticides and herbicides" and insert "organohalogenes" ## (Iceland) sediments, litter, metals, radionuclides, oil/hydrocarbons, and polycyclic hydrocarbons (PAHs). Soil erosion presents an additional source of harmful inputs. (35)

23. An anticipatory rather than a reactive approach is necessary to protect the marine environment. This will require the utilization of clean production techniques, policies to minimize wastes, improved sewage treatment and a comprehensive, sequential and coordinated approach involving all sectors including air, land and water interactions. Each coastal ## delete "coastal" ## (Iceland) country should adopt, in accordance with its capabilities, precautionary measures to prevent, reduce and control pollution [and other forms of degradation of the marine environment from land-based activities] (Sweden) from land-based sources. [Any management framework must include waste audits, cleaner technologies, classification of substances, establishment of quality criteria, environmental impact assessment,] [Any management framework must include the enhancement and improvement of housing conditions and quality in ports and coastal zones in developing countries, and due environmental impact assessment of new industrial site development for processes which include handling of chemicals and other substances harmful and/or toxic to the marine environment] (Colombia) comparison of options, [monitoring], [systematic observation] (Mexico) and integrated management [and development] of coastal areas and EEZ. (36)

24. The substances involved in marine pollution caused by shipping and maritime activities vary enormously in quantities and potential harm to the oceans. In tonnage terms and visual impact the most important pollutant is crude petroleum and its derivatives. Of the approximately 600,000 tons of oil entering the oceans each year from maritime activities, less than 25 per cent is from major tanker accidents. A much larger quantity of oil is discharged

as a result of normal shipping operations, e.g. pumping of bilges, tank cleaning and deballasting. The heavy concentrations of such residues in coastal areas give rise to chronic pollution, lowering aesthetic and recreational value. Offshore oil operations give rise to polluting discharges from separation of water from recovererd oil and the disposal of drilling mud. Oil-well blow-outs can result in oil spillage of catastrophic proportions. There is currently no global regulatory regime for the prevention and control of pollution from offshore oil activities and only four ## delete "four" and substitute by "five" ## (Maldives, Marshalls, Kiribati, Solomons, Tonga and Vanuatu) regions have considered the adoption of legal instruments in this regard e.g. N.W. Europe in the Paris Convention, the Kuwait Action Plan Area's Kuwait Protocol, the Caribbean Countries' and the Mediterranean Countries' Barcelona Protocol now under consideration. (43) ## The fifth region is the South Pacific which has brought into force in 1991, the 1986 SPREP Convention entitled "Convention for the Protection of the Natural Resources and Environment of the South Pacific" with its oil pollution protocols. The potential environmental hazards of future sea bed mining of minerals such as metalliferous sediments of hot brines (Red Sea), massive sulfides, enriched cobalt crust, and manganese nodules (South Pacific) ## (Maldives, Marshalls, Kiribati, Solomons, Tonga and Vanuatu)

25. On the other hand, many chemicals carried by sea are intrinsically far more harmful to the marine environment. Some can bio-accumulate in quantities that present a danger to human health, while others taint fish, making them unsuitable for human consumption. Of the global merchant fleet of approximately 70,000 ships, some 7,000 are tankers. The global chemical tanker fleet has doubled in the past 10 years to approximately 1,000. A substantial volume of other chemical products are carried in packaged form such as drums or in especially constructed containers. Up to 15 per cent of goods carried in dry cargo ships are dangerous to some degree. These, together with liquid substances carried in oil and chemical tankers, make up half of the total cargo carried by the sea. (44)

26. Another cause of pollution is that arising from disposal of wastes at sea. Plastics and other solid wastes are extremely persistent and potentially harmful if ingested by seabirds and marine mammals. By changing industrial processes and the use of recycling methods and improved waste treatment techniques the amounts of wastes dumped at sea have been reduced. In spite of these efforts, disposal at sea of certain waste types, particularly uncontaminated dredged materials, continues to be considered practical and environmentally acceptable. More attention must be paid to the selection of dumping sites, dumping techniques and [monitoring] [systematic observation] (Mexico) programmes and the application of hazard assessment techniques within a licensing regime which can provide the necessary level of marine pollution prevention and control. (45)

27. In addition to the environmental impact of oil spills there are frequently economic repercussions for coastal communities or small countries reliant on the resources of the sea. Automatic financial access to resources

to cover clean-up costs and economic damage through liability and compensation regimes have done much to mitigate the effects of accidental oil pollution by facilitating prompt and effective counter-pollution operations. (46)

[27 bis. Wider ratification by coastal States of the relevant conventions, and the extension of the existing regimes to cover pollution caused by substances other than oil is essential. Specific objectives could be considered and developed in the following areas: ## move to objectives e.g. 29 bis. ## (Iceland).

(a) International ratification and implementation of shipping conventions and more rigorous enforcement of the discharge provisions, e.g. through port State control. Coastal nations, on the basis of guidelines issues by International Maritime Organization, and assisted by same, could aim to establish by 1997 port facilities for the collection and disposal of waste oil, chemical residues and garbage, especially in sensitive sea areas where ships are not permitted to make discharges. This would require substantial funding ## delete "require substantial funding" and amend with "be facilitated by adequate funding" ##. (Japan)

(b) Encourage States to ratify [and finalize the future strategy of] the London Dumping Convention by 1994.

(c) Develop an international regulatory global framework for offshore oil discharges, safety and disposal activities by 1995.

(d) Implement liability and compensation regimes covering pollution damage from shipping and dumping activities, the immediate goal being the development of a regime for hazardous and noxious substances carried by ships. (47)

[(e) Improve living conditions of port and coastal human settlements in developing countries, and give special attention to adequate housing and sewage.

(f) Technical and scientific capacity building and enhancement of research centres for systematic observation of marine pollution in developing countries managed and staffed with experts from the concerned developing country.] (Colombia) [para. 30 bis should remain as para. 42] (Canada)

28. In addition to pollution, many [development][economic] activities directly and indirectly adversely affect marine resources. For example industrial and residential development, [including touristic and recreational building] can destroy natural habitats [dredging mangroves and similar areas] by filling wetland channelization, and construction of dams [and other coastal infrastructure]. Unsustainable agricultural, forestry and construction practices can increase levels of sediment in coastal areas, thereby negatively affecting many organisms, such as coral reefs and shellfish. Conversion of mangroves, forests and other low-lying lands to mariculture not only destroys productive natural systems, but can also lead to introduction of non-indigenous species. (Contact group)

Ojectives

29. The protection of marine environment against the adverse effects of human activities [and human development] so as to conserve marine ecosystems and to safeguard human health while providing for rational use of living and non-living resources. In so doing, it is necessary to:

(a) Ensure the proper integration of environment and development concerns.

(b) Recognize the difficulties of developing countries in implementing such strategies.

30. Accordingly, States, acting individually and through appropriate regional and international fora, ## could ## (Japan) agree to:

(a) Coordinate and integrate [and develop] measures to achieve marine environment protection and conservation through appropriate local, national, regional, and global mechanisms [and policies].

(b) Adopt and implement, as a matter of priority, precautionary measures to prevent, reduce, and control degradation of the marine environment from land-based and sea-based activities.

(b) bis Take effective regulatory and monitoring measures to control pollutant discharge ## (Japan)

(c) Use economic measures, clean technology, and sustainable resource management to limit industrial and agricultural practices that threaten the marine environment.

(d) Maximize best practicable control and reduction of toxic, persistent, and bio-accumulative pollutant discharges.

(e) Restore degraded habitats so that they provide a sustainable marine ecosystem.

Activities

B.1. PREVENTION, REDUCTION AND CONTROL OF DEGRADATION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES

Management-related

31. The following goals and essential programme elements are necessary components of a comprehensive strategy to protect, conserve, prevent, reduce, and control degradation of the marine environment from land-based activities. (37)

32. Suggested specific objectives include:

(a) Identify existing institutional and technical impediments to conserving the marine environment.

(b) Adoption of a global management [and development] framework by 1994; [The functioning by 1994 of a global framework for intergovernmental cooperation with close links to regional conventions and action plans.] (Sweden)

(c) Strengthen and develop national and regional integrated action plans such as the United Nations Environment Programme Regional Seas Programmes [and the Intergovernmental Oceanographic Commission] (Venezuela) by 1995;

33. States may wish to consider the following incremental steps:

(a) Agreed principles and programmes, building on the existing Montreal Guidelines, with the appropriate funding and technical support where applicable, at the national, regional and global levels, including possible establishment of appropriate standards.

(b) A formal declaration or charter to be adopted at UNCED.

(c) A global convention to formulate principles and standards with provisions for the institutional machinery to implement the convention. The Montreal Guidelines, complemented and amended as appropriate, could serve as the basis for the convention. (38)

34. Coastal ## delete "coastal" ## (Iceland) States should establish in regional and national action plans, [reduction programmes for inputs from land-based activities] into the marine environment, [in order to achieve] [acceptable quality of the marine environment] together with target dates and financial mechanisms. While obvious global priorities exist both national and regional differences in terms of knowledge, viewpoints, infrastructure and technology, require different emphasis throughout the world. Countries should adopt precautionary approaches to development and management. Such approaches could involve a reduction of [effluents and] emissions, through, inter alia, improved housekeeping practices, greater treatment and recycling, and the introduction of cleaner production technologies. In both developed and developing countries, priorities should include appropriate sewage and industrial effluents treatment and disposal, synthetic organic compounds, and non-point runoffs. As well, priority attention should be given to pollution from land-based sources which reach the oceans via the atmosphere. (39)

35. As concerns sewage, priority actions in this area include: (40)

(a) Building sewage treatment facilities [and safeguarding the maintenance and operation of treatment plants] (Finland) [in accordance with national policies, capacities and available international cooperation]. (Mexico)

(b) Entry of non-domestic effluents to sewers containing contaminants (such as heavy metals) should be strictly controlled so as not to preclude productive uses of sewage and not exclude the possibility of environmentally sound co-treatments of domestic and compatible industrial effluents.

(c) Municipal sewage [and industrial effluents] discharged into rivers, estuaries and the sea should, ## be subject to national disposal standards or # (Japan) as a minimum, be subject to primary treatment.

(d) Coastal outfalls should be located so as to avoid exposing shell fisheries, water intakes and bathing areas to pathogens. (40)

(e) Cooperate in development of minimum sewage effluent guidelines and water quality criteria for municipal [and industrial] wastes.

[(f) Settlement plans should be formulated or reviewed taking into account sewage concerns including resettlement of heavily populated coastal and riverbank areas.] (Philippines)

[(g) Establish regulatory and [monitoring] [systematic observation] (Mexico) programmes to control effluent discharge, using appropriate risk and environmental impact assessments.] (Finland)

[36. As concerns wastes, the main elements to be considered by coastal ## delete "coastal" ## (Iceland) countries are:]

(a) Establish regulatory and [monitoring] [systematic observation] (Mexico) programmes to control effluent discharge, using appropriate risk and environmental impact assessments.

(b) Adopt new ["prior informed consent" policy] [prior notification and consultation] initiatives at national and regional levels for controlling the input of non-point source pollutants, including sediments, which requires broad changes in sewage and waste management, shifts in agricultural practices, and environmentally compatible approaches to mining, construction and transportation practices.

(c) Establish a review and control regime of loads (fluxes) of nitrogen and phosphorus entering the marine environment. (41) Taking into account different national capacities.

[(d) Assist developing countries to develop land-based waste disposal systems to preclude sea-dumping through financial support and transfer of environmentally sound technology.] (Philippines)

37. As concerns pollution from non-point sources:

(a) Cooperate in the development of land-use techniques, particularly buffer zones, along estuaries and water courses to limit agricultural runoff;

(b) Promote bilaterally and multilaterally through international development organizations and industry the use and application of environmentally sound pesticides and fertilizers (e.g., minimum toxicity and bio-accumulation standards). ## delete words in parenthesis ## (Iceland)

(c) Elaborate on best environmental practices to prevent degradation.

[(d) Adopt new ["prior informed consent" policy][prior notification and consultation] initiatives at national and regional levels for controlling the input of non-point source pollutants, including sediments, which requires broad changes in sewage and waste management, shifts in agricultural practices, and environmentally compatible approaches to mining, construction and transportation practices.

(e) Establish a review and control regime of loads (fluxes) of nitrogen and phosphorus entering the marine environment. Taking into account different national capacities.] (Barbados and Finland)

38. Countries could adopt a declaration at UNCED 1992 on land-based sources [a set of principles on prevention, reduction and control of degradation of the marine environment by land-based activities] (Sweden) following the recommendations of the Halifax and UNEP Intergovernmental Meetings of Experts. This could include specific elements for a subsequent global strategy and action plan on marine environmental degradation from land based activities. An Intergovernmental Meeting of Experts on Land-based Sources of Marine Pollution will meet again toward the end of 1991, following the decision of 16th UNEP Governing Council. This meeting could support the UNCED Preparatory Process by helping in the articulation of UNCED options for action [in preparing elements of a strategy and a targeted and costed programme of action as well as a set of principles concerning prevention, reduction and control of marine degradation caused by land-based activities] (Sweden) to be considered again at the Fourth Preparatory Committee. (42)

B.2 PREVENTION, REDUCTION AND CONTROL OF DEGRADATION OF THE MARINE ENVIRONMENT FROM SEA-BASED ACTIVITIES

Management-related activities

39. Wider ratification by coastal states of the relevant conventions, and the extension of the existing regimes to cover pollution caused by substances other than oil is essential. Specific objectives could be considered and developed in the following areas: (47)

(a) International ratification and implementation of shipping conventions and more rigorous enforcement of the discharge provisions, e.g. through port state control. Coastal nations, on the basis of guidelines issued by the International Maritime Organization, and assisted by the same, could aim to establish by 1997 port facilities for the collection and disposal of waste oil, chemical residues and garbage, especially in sensitive sea areas where ships are not permitted to make discharges. This would require substantial funding ## proposed amendment for the last sentence: "This would be facilitated by adequate funding" ## (Japan).

(b) Encourage States to ratify [and finalize the future strategy of] the London Dumping Convention by 1994.

(c) Develop an international regulatory global framework for offshore oil discharges, safety and disposal activities by 1995.

(d) Implement ## replace "implement" by "Encourage to develop" ## (Japan) liability and compensation regimes covering pollution damage from shipping and dumping activities, the immediate goal being the development of a regime for hazardous and noxious substances carried by ships. (47)

40. Countries should initiate regional agreements to prevent, reduce and control marine pollution arising from artificial islands, installations and structures used in the exploration and exploitation of offshore oil [and other] resources, and ballast water dumping rules to prevent the spread of non-indigenous organisms. (48)

41. As concerns shipping, coastal states could urge wider ratification and implementation of safety and marine pollution conventions, including those dealing with liability and compensation for pollution damage and rigorous enforcement of MARPOL regulations (e.g., through exercise ## delete "exercise" and replace by: "stricter enforcement" ## (Iceland) of port state control procedures and aerial surveillance of shipping lanes). States could also implement more stringent pollution control measures [in semi-enclosed seas, the polar regions and particularly sensitive sea areas]. (49)

42. In relation to ports, countries could urge the provision of facilities for collection and treatment of wastes from ships and for vessels and yachts in marinas and fishing harbours by: (50)

(a) In accordance with the London Dumping Convention and MARPOL provisions, regulation of dredging of navigation channels and disposal of dredged material, including global criteria for ocean disposal of contaminated spoils.

(b) Development of guidelines for environmental impact assessments of port development and expansion and wider enforcement of codes of practice relating to transportation of hazardous and dangerous cargoes, and for detection of illicit movement of toxic chemicals and hazardous wastes.

[(c) Channels of communication and coordination between the Secretariats of the Basel and London Dumping Conventions should be strengthened and be more open in order to prevent parties to the Basel Convention from exporting, for disposal in the ocean, substances referred to in Annexes I and II of the London Dumping Convention to States not parties to that Convention.] (Mexico)

43.

(a) States should develop oil and chemical spill contingency plans at local, national and regional levels and establish at the national level, government/industry collaboration mechanism on provision of oil spill response materials and equipment stockpiles, and training of cleanup personnel, together with a funding mechanism. (51)

(b) States should establish a network of regional oil/chemical spill response centres with collaboration from IMO and regional governments.

44. Member states should agree ## replace "agree" by "consider" ## (Japan) to stop the dumping and incineration ## at sea ## (Japan) of all hazardous wastes and substances and encourage a global commitment to more assiduous application of the provisions of the London Dumping Convention and regional dumping protocols, where adopted. IMO could prepare global guidelines concerning waste audits and clean production, and lists of substances and wastes prohibited from dumping at sea and could assist States to enter into regional agreements in this regard. (52)

45. States should develop liability and compensation regimes for hazardous and noxious substances as well as other sea-based activities (e.g., dumping, offshore oil and gas and transboundary movements of hazardous substances and wastes). (53)

Data and information

[46. [States] Countries should establish [monitoring] [systematic observation] (Mexico) systems and regularly report information on pollutants and efforts to control and prevent them to relevant regional and international organizations.] (Contact group) [delete] (Mexico)

47. [States] Countries should identify ongoing and planned programmes of [monitoring] [systematic observation] (Mexico) of the marine environment, with a view to integrating activities and establishing priorities for further [monitoring] [systematic observation] (Mexico) activities.

48. [States] Countries should cooperate through relevant international organizations in the integrated [monitoring] [systematic observation] (Mexico) of the marine environment by:

(a) Expanding the international mussel watch programme.

(b) Relating [monitoring] [systematic observation] (Mexico) activities to action plans and pollution control and abatement strategies.

(c) Expanding GIS mapping and information systems.

[49. Countries could:

(a) Complete, with the support of regional and national programmes, inventories and hazard assessments of marine pollution sources by 1997, and

(b) Complete national, regional and global assessments of marine environment by 1997. (37(c) and (d))

(c) [States] Countries should, with the appropriate funding support build on existing facilities, support the Global Ocean Observing System. The GOOS should include appropriate equipment to monitor pollution in coastal and open ocean areas. Data on marine pollution should be made available to interested parties and stored at World Data Centres.] (Contact group) [delete] (Mexico)

Capacity Building

50. States should create a high level mechanism, within the national planning and development bodies, for policy-making and long term planning on oceans and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsibilities for oceans and coastal areas within Governments and establish a reviewing mechanism to up-date and enforce relevant national legislation to ocean management and coastal development.

(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.

(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions. (66)

51. Coastal States should organize training and extension programmes for resource users including fishermen, women, and incorporate ocean issues and management in educational curricula and public awareness campaigns. Indigenous peoples should be supported to maintain and apply their traditional knowledge of the coastal environment and marine resources. (67)

52. Relevant regional agencies should assist <u>developing</u> coastal countries in improving the scientific, technological, professional and related institutional capacities. (68)

(a) Identify existing capabilities and existing facilities within the region and potentials for expansion in regional marine and coastal areas research, training, management and technologies.

(b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and [monitoring] [<u>systematic observation</u>] (Mexico) programmes with predictive capabilities.

(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas.

(d) Create special programmes to assist island states to integrate environment and development in the planning process for their limited areas and resources.

(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society.

[(f) <u>The development aspects should also be focused upon to restore symmetry and balance the complementary environment and development concerns.</u>] (Philippines)

International and Regional Cooperation and Coordination

[52 bis. While an international land-based pollution agreement is needed, as stated, support for such an agreement is conditioned upon the establishment of effective provisions for financing and development, use and transfer of environmentally sound technologies. High priority needs to be given to the development of effective financial mechanisms at the national, regional and global levels for sewage treatment facilities, in order to ensure that developing countries have access to the necessary resources to deal in a more effective way with land-based marine pollution.] (Mexico)

53. Countries ould work with appropriate international organizations to develop comparable monitoring techniques, methodologies, and measurements for all aspects of marine pollution.

Means of implementation

54. Provide adequate financial and technical resources to assist developing countries to prevent and solve problems associated with activities that threaten the marine environment.

55. Provide technological cooperation, technology transfer, and financial resources to support the implementation of national action programmes and regional joint comprehensive programmes of action.

56. Specific suggestions include:

(a) A funding mechanism for building sewage treatment facilities, including grants or concessional loans from international agencies, such as UNDP, UNEP, [IOC] (Venezuela) World Bank and other appropriate regional funds. (Malaysia)

57. Establishing ## replace "establishing" by "Consider establishment" ## (Japan) of specific financing [for developing countries of] mechanisms for building port facilities, including loans or grants from international agencies, including the UNDP, UNEP, [IOC] (Venezuela) and World Bank's Global Environmental Facility or a system of "Reception Facility Funds" of automatic charges on [non-sovereign immune] ships. (50(a))

[C. SUSTAINABLE UTILIZATION AND CONSERVATION OF MARINE LIVING RESOURCES:

(1) High Seas

(2) National Jurisdiction]

[C. SUSTAINABLE USE AND CONSERVATION OF HIGH SEAS: LIVING RESOURCES

D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION]

Note by the Secretary-General of the Conference:

Alternative texts for programme areas C and D are presented, in annexes as follows:

1. Annex I: The text contained in the Chairman's Working Paper of 23 August 1991 with comments proposed by delegations after 23 August and before 15 October 1991.

2. Annex II: A text submitted by Algeria, Colombia, Chile, Mexico, Sweden, Uruguay and Venezuela dated 27 August 1991.

3. Annex III: A text submitted by the United States on 15 October 1991.

4. Paragraphs 58 to 125 will be found in annexes I to III.

E. ADDRESSING CRITICAL UNCERTAINTIES FOR THE MANAGEMENT OF MARINE ENVIRONMENT AND CLIMATE CHANGE

Basis for actions

126. The cornerstone for protecting the oceans and coastal areas and for providing rational use and development of their living and non-living resources is the ability to determine the present state of systems and predict future conditions. Effective management of oceans and coastal areas is often stalled by the high degree of uncertainties in present information. This limits the ability to make predictions and assess environmental change. In order to rationally manage the marine and coastal environment and its resources in accordance with international law, we need to develop the ability to predict natural and man-induced changes in marine and coastal ecosystems. Accordingly, it is necessary to restructure the mechanisms for generating and disseminating information based on the results of research and monitoring activities. Research, systematic observation and monitoring information generated must be correctly communicated to all levels of the management structure and the public. (69)

127. There are many uncertainties about climate change and [particularly] sea level rise. Small changes in sea level rise have the potential of causing significant changes to small island States. Response strategies should be based on sound information [data]. A long-term cooperative research commitment [based on differentiated responsibilities of countries] is needed to reduce this great uncertainty. Meanwhile, precautionary measures should be initiated to diminish the risks and effects, particularly on small islands, low-lying states and coastal zones of the world. (70)

Objectives

128. States acting individually and through appropriate regional and international fora agree to:

(a) Conduct scientific research on, systematic observation and monitoring of the marine environment, within and beyond the limits of national jurisdiction.

[(b) Provide full and open sharing of data and information resulting from scientific research and monitoring.] (United States) [delete] (Mexico)

(c) Develop standard intercalibrated procedures, measuring techniques, and data storage capabilities for scientific research and systematic observation and monitoring of the marine environment.

(d) Provide improved forecasts of marine conditions for safety and efficiency of maritime operations, and inhabitants of coastal areas.

Activities

Management-related

129. Sections 1, 2, 3, and 5 of this paper address management priorities for specific resources. In conjunction with those, coastal states should adopt special measures to cope with potential climate change and sea level rise. Of utmost priority is the need to develop globally accepted methodologies for coastal vulnerability assessment, modelling and response strategies particularly for priority areas, such as small island, low-lying states and critical coastal areas. (71)

130. Coastal countries with the cooperation of relevant United Nations agencies could establish research priorities to address critical uncertainties for ocean and coastal area management. They could identify ongoing and planned programmes of systematic observation of the marine environment, with a view to integrating activities and establishing priorities. Research priorities include:

(a) Living resources potential, optimal fishing regimes and acceptable levels of exploitation including the species life cycle and migration to identify critical areas and life stages.

(b) Fate and effect of all forms of chemical pollution, toxic phytoplankton blooms in coastal ecosystems.

(c) Human health related to consumption of fishery products from marine and coastal ecosystems.

(d) Development of appropriate and new marine technologies to utilize under-exploited resources, for aquaculture, food processing and for pollution control including marine environmental accountancy as a management tool.

(e) Response of critical or sensitive marine ecosystems and rehabilitation strategies of degraded areas relevant for coastal sustainable development. (76)

Data and information

131. Improved systems to collect, synthesize, and disseminate data and information on coastal and marine systems are essential to reduce uncertainties and improve predictability. The Global Ocean Observation System (GOOS) of the IOC is being designed to provide some of the required information. An effective system must contain more elements than GOOS. States and relevant international organizations should provide analyses into appropriate international data networks.

132. Specifically, States should:

(a) Support development of the multi-parametric cross-disciplinary global ocean systematic observation of nearshore and coastal areas to build an understanding of climate change, e.g. GOOS (document A/CONF.151/PC/70.) (74(c))

(b) Create regional accessible and readily-transferred multi-sectorial information bases, covering the results of research and systematic observation programmes, linked to existing data and information services and mechanisms for communicating these results to decision makers (including environmental managers) and the public in general. (72)

(c) Endorse the storage and archiving of, as well as [access][exchange of] to, data and information collected in marine scientific research and systematic observation programmes through the World Data Centres.

Capacity Building

133. Recognizing the need to acquire new information on oceans to address all marine-related management topics, including climate change, nations agree to:

(a) Establish funding mechanisms for an inter-disciplinary systematic observation system through coordination among United Nations agencies and development agencies including a programme on marine technology and engineering and to help ensure implementation of on-going and planned global and regional ocean climate-related research programmes. (73)

(b) Offer technical cooperation, with the participation of relevant international organizations, in developing the capacity of coastal states to carry out and participate in research and monitoring, as well as to assimilate its results.

International and Regional Cooperation and Coordination

134. Relevant United Nations agencies should develop and integrate [monitoring] [systematic observations] (Mexico) networks and establish high-level inter-agency coordination and monitoring and systematic observation mechanisms. This would include a comprehensive review of existing national, regional and global databases. These activities would involve as appropriate: (74)

(a) Mechanisms to develop comparable and compatible techniques, validation of methodologies and measurements, regular scientific review, agreed formats for presentation, including Geographic Information Systems and storage, and communication of the information gathered to potential users.

(b) Systematic observation and monitoring of coastal habitats, inventories of marine pollution sources and fisheries statistics.

[(c) Assurance that the GOOS contains capability to monitor coastal as well as deep ocean features such as sea level changes and pollution.]

(d) Better representation of agencies dealing with the marine environment (IOC, IMO) in United Nations-wide coordination efforts.

(e) Better coordination of international and coastal and marine programmes.

(f) Consider the development of improved relationships among the relevant international organizations (UNEP, UNESCO, IOC, WMO, IMO, FAO, IAEA, UNCLOS secretariat), including strengthening the Inter-Secretariat Committee on Scientific Programs Related to Oceanography (ICSPRO).

135. Develop and integrate regional [monitoring] [systematic observation] (Mexico) programmes into the UNEP Regional Sea Programme which would contribute to the implementation of global ocean and coastal observing systems. The long-term systems should be based on the principle of [full and open] exchange of data. Monitoring should be capable of predicting the effects of climate related emergencies on existing physical, socio-economic coastal infrastructure (e.g. human settlements, industries, tourism, communication, ports and aquaculture). Site-specific analysis of sea level rise effects and temperature elevations on sensitive coastal ecosystems and lagoons and economically important species will also be necessary. (75)

Means of implementation

TO BE FURTHER DEVELOPED

(i) Human Resource Development

(ii) Scientific and Technological Infrastructure Development

(iii) Costing and Financing

(v) Capacity Building

F. STRENGTHENING INTERNATIONAL, INCLUDING REGIONAL COOPERATION AND COORDINATION

Basis for action

136. In order to effectuate the strategies and activities as elaborated upon in the other Programme Areas with respect to oceans [and coastal areas] and to ensure the integration of environment and development aspects, existing institutional arrangements at national, regional and global level need adjustment and strengthening. There are numerous global and regional institutions with competence in marine issues. A comprehensive convention and a number of other legal instruments deal with the various aspects of ocean [and coastal] affairs. With increasing attention to issues relating to the oceans [and coastal areas], it is important that Governments be able to consider interrelated problems as a whole, and thus identify important issues, priorities and strategic planning needs, promote intra- and interregional cooperation, and mobilize funding building upon existing mechanisms within the United Nations system, there is a need to ensure the existence of regular and effective intergovernmental discussion and mechanisms for coordination among the relevant agencies and bodies concerned with ocean [and coastal] -related activities, particularly in environment and development aspects.

137. Similarly attention is required towards intergovernmental and intersecretariat cooperation and coordination is needed at the regional level, where a number of bodies already exist, both within and outside the United Nations system. (54)

138. The United Nations Convention on the Law of the Sea contains a comprehensive global framework and lays down basic rights and duties relating to environment and development activities with respect to oceans. Acceptance of these rights and duties and other relevant international agreements form an important basis for international coordination and cooperation. Within this framework, wider acceptance of related conventions could also enhance international cooperation and ensure their coherent and harmonized development. (55)

139. Settlement of disputes, [such as on trade and environment, should be dealt with in appropriate bilateral, regional and international fora, e.g. GATT, in accordance with established international rules and dispute settlement agreements. Exhaustive and full use of expertise available in major international organizations shall be made.][Should be dealt within appropriate bilateral, regional and international fora in accordance with multilateral standards to be agreed upon, given due consideration to concerns on sustainable development. Exhaustive and full use of expertise available in relevant international organizations should be made. Pending enactment of such standards, States should refrain from taking unilaterally non-tariff measures to protect a given marine resource.] (Contact group)

140. Governments participating in various international fora often represent the interests of different national sectors. In ocean-related fields, where all issues are closely interrelated it is essential that each Government integrate sectoral interest. (56)

Objectives

141.

(a) Ensure, at the regional and global level, consistency among and integration of the various sectoral activities in addressing environment and development matters with respect to oceans [and coastal areas], including those covered in the other programme areas on oceans in Agenda 21.

(b) Ensure that, within the United Nations system, there is opportunity for regular intergovernmental review and consideration of environment and development matters with respect to oceans [and coastal areas] as a whole, and the agreed principles, strategy and standards.

(c) Ensure that there is effective information exchange and, where appropriate, institutional linkage between regional institutions dealing with environment and development matters with respect to oceans [and coastal areas].

(d) Ensure the effective operation of coordinating mechanisms for the components of the United Nations system dealing with environment and development matters with respect to oceans, and other concerned organizations, including links with donor and assistance agencies.

Activities

Management-related

142. Global

(i) [The United Nations General Assembly should] ensure regular consideration [within the United Nations system] at intergovernmental level of general ocean [and coastal] issues [environment and development matters with respect to oceans] and request the Secretary-General and Executive Heads of United Nations agencies and organizations to strengthen consultative and coordinative mechanisms for this purpose.

(ii) Introduce special arrangements to ensure the participation of all relevant international organizations, including the development and donor agencies;

(iii) Seek scientific advice and consider the use of advisory expert groups [expert groups], as needed;

(iv) Establish reporting arrangements as between the General Assembly and the governing bodies of the United Nations system;

(v) Strengthen consultative and coordinative arrangements within the United Nations system and particularly IOC, UNEP ## FAO, IMO ## (Japan) and UNDP, including their regional components, in support of the General Assembly forum and other intergovernmental meetings with broad mandates in ocean [and coastal] affairs.

143. Regional

(i) Strengthen existing intergovernmental regional cooperation, particularly the Regional Seas Programmes of UNEP, and establish or designate regional, intergovernmental fora where needed, for consultations on questions of harmonizing policies and integrating cooperative activities taking account of environmental circumstances, regional priorities and levels of development;

(ii) Introduce arrangements for the participation of all relevant organizations and bodies, development assistance and donor agencies, as well as of the private sector;

(iii) Ensure collaboration and coordination among all relevant institutions active in a region, including adequate staff representation;

(iv) Arrange within intergovernmental regional cooperation for periodic interregional consultations in support of those conducted at the global level.

Data and Information Capacity Building

144.

(i) Provision of special assistance to States, on request, to improve their capacity to implement the principles laid down in the Law of the Sea Convention and other relevant instruments, including the implementation of the marine scientific research regime as a management tool;

(ii) Development of a central reference point for information on and access to legislation as well as for advice on legislative and related institutional measures for the implementation of legal agreements;

(iii) Preparation of overview reports, to include also identification and examination of general issues, and preparation of summary reports on all United Nations system planning in the oceans [and coastal] sector, incorporating also related activities outside the United Nations system;

(iv) Through system-wide consultations, preparation of agendas and supporting documentation on the following matters;

(a) General policies and planning and identification of priority areas for coordinated effort, with particular emphasis on promotion of integrated marine and coastal area management and national capability-building requirements;

(b) Review and assessment of impediments to implementation and enforcement of global and regional agreements, including their institutional aspects, and of all developments affecting the progressive development of relevant international law, with particular attention to the development of liability regimes and dispute settlement mechanisms;

(c) Review of assistance to developing countries and modes of facilitating collaboration with development assistance and donor agencies, non-governmental organizations and the private sector.

Means of implementation

- Capacity Building
- Human Resources Development
- Scientific and Technological Infrastructure Development
- Financing and cost evaluation

(TO BE DEVELOPED)

ANNEX I

Text contained in the Chairman's Working Paper of 23 August 1991 with comments proposed by delegations after 23 August and before 15 October 1991

[C. SUSTAINABLE UTILIZATION AND CONSERVATION OF MARINE LIVING RESOURCES:

(1) High Seas

(2) National Jurisdiction]

Basis for actions

General

58. The conservation and management of marine living resources should take place on the basis of sustainable utilization. This is of social, economic and nutritional importance, and contributes to national food security, not least to developing countries and indigenous peoples. The special status of indigenous peoples should be recognized including their rights to the utilization and protection of their habitats on a sustainable basis.

[C.1 HIGH SEAS]

59. While high seas fisheries contribute to the effective utilization of resources and to the world supply of protein, management performance on the high seas, has not infrequently been unsuccessful and many ## replace "many" by "some" ## resources are overfished. ## bracket first sentence and add new sentence with: "Much has been done to manage fisheries on a sustainable basis on the high seas. However, management performance has not always been successful and several types of fish are overutilized" ## (Commission of the European Communities) [Management performance on the high seas has not always been successful and several types of resources are overfished]. In a number of high seas areas, the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are not being implemented as intended. [There are problems of unregulated fishing, vessel reflagging to escape controls, fishing practices such as large-scale pelagic driftnetting and overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States.] (Japan) ## delete "fishing practices such as large-scale pelagic driftnetting and" ## (Japan).

[C.2 NATIONAL JURISDICTION]

60. World oceans yield about 80-90 million tons per year, 95 per cent of which comes from EEZs. They provide healthy food and livelihoods to millions of people in coastal areas. However, many countries continue to face mounting problems related to implementation of their rights and obligations under UNCLOS, including local overfishing, [poor management performance] unauthorized incursions by foreign vessels, ecosystem degradation, increased stock fluctuations, overcapitalization, excessive fleet sizes, inefficiently selective gear, unreliable databases and inadequate information about their resource base, increasing competition between artisanal and industrial fishing

and between fishing and other types of activities. (22) ## Access to the surplus of the allowable catch is often denied other States whose nationals have habitually fished in the zone, in contradiction to the principles of UNCLOS ## (Commission of the European Communities) and (Japan)

61. Problems extend beyond fisheries. Coral reefs and other largely tropical coastal habitats such as seagrass communities, mangroves and estuaries are among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and/or sea level.

[Objectives

General

61 bis. States should harvest the entire ecosystems in order to maintain interspecies balance and optimum yield for human use. ## (Iceland)

[62. Fisheries ## "fisheries" should be replaced with "marine resources" ## (Commission of the European Communities) [must 2/] be managed through ecosystem, multi-species management approaches on the basis of sustainable ecologically sound practices consistent with the best available scientific information, and must be effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

63. Ecosystem and multi-species approaches must be developed and implemented to preserve the biological diversity and productivity of marine species and maintain the ecological relationships among populations of such species.] [delete] (Mexico)

64 (alternative A). [States must] [States in accordance to their national legislation and policies could] ensure as far as practicable that human activities do not result in the decrease of any population of marine species with special attention to marine mammals and sea turtles below a level at which its recruitment is stable, but preferably not below a level close to that which ensures the greatest net annual increment; populations of marine species that have been depleted by harvesting should be restored to these levels. (United States)

64 (alternative B). States should in accordance with their national legislation and policies ensure as far as practicable that human activities do not result in over-exploitation of any population of marine species. ## (Iceland)

2/ All "must" in the high seas sections of the Marine Living Resources chapter should be changed to "should" and appear in the text as an alternative. (Japan)

65. Data and information must ## replace "must" by "should" ## (Japan) be obtained [by States with the cooperation of international organizations], including verifiable catch and effort statistics, on the commercial harvesting of populations of marine species, including by-catch, adequate to reliably assess and predict the effects of such harvesting. (Contact group)

66 (alternative A). Selective fishing gear and practices should be used to [avoid] [minimize] significant waste of catch of target populations of marine species and the significant bycatch ## and discards ## (Commission of the European Communities) of non-target species. (United States)

66 (alternative B). Incidental catch of non-target species should be reduced by improving the selectivity of fishing techniques and practices ## (Japan).

66 (alternative C). Selective fishing gear and practices should be developed to minimize significant waste of catch of target populations of marine species and significant bycatch of non-target populations. ## (Iceland)

[66 bis. The full implementation of General Assembly Resolution 44/225 on large-scale pelagic driftnet fishing.] (Australia) ## transfer this paragraph to the section of activities and replace it with the second option of paragraph 72 ## (Japan)

[67. States should ## try to ## (Iceland) ensure that each population of marine species that is the target of fishing [exploitation] activities is harvested in areas and at the stage of its life cycle that ensures maximum economic efficiency, consistent with these principles.] (United States)

68. Fish [marine species] for human food, should ## generally ## (Iceland) take priority over other uses, and the amount available for human food should be increased by avoiding wastage and improving techniques of capture [harvest], handling and transportation.] (Canada) ## bracket whole paragraph ## (Commission of the European Communities)

[C.1 HIGH SEAS]

69. [On the high seas, States fishing a stock which straddles the 200 mile limit of a coastal State, [or highly migratory species which are found within that limit], [must] take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200 mile limit [and in the highly migratory species while outside that limit]. High seas fishing [must] not have an adverse impact on the resources under the jurisdiction of coastal States]. (Contact group) ## delete ## (Japan)

70. Over the next few years, effective regional and international mechanisms and strategies should ## continue to ## (Japan) be developed and implemented where appropriate, through cooperation between high seas fishing States, coastal States and relevant international organizations and existing regional and international mechanisms should be reinforced where appropriate to: (Contact group)

(a) Conserve and make full sustainable use of the living marine resources of the high seas, and to improve the status of those which are depleted.

(b) Define and identify management units based on large marine ecosystems concepts.

(c) Provide for the negotiation of appropriate international agreements.

(d) Establish appropriate exploitation regimes for stocks whose life cycles encompass both the high seas and EEZs ## in conformity with the relevant provisions of UNCLOS. ## (Japan)

(e) To secure access to surplus of allowable catch in EEZs in accordance with UNCLOS ## (Commission of the European Communities) and (Japan)

[C.2 NATIONAL JURISDICTION]

71. The objective would be to build national capacity ## as soon as practical ## (Japan) over the next 10 years to make full sustainable use of the EEZs.] (23) ## replace with "To ensure that coastal States obtain full economic benefits from the exploitation of the marine resources of the EEZ" ## (Commission of the European Communities)

Activities

General

[72 (alternative A). [Assessment] [Promotion] of fishing methods ## replace "methods" by "practices" ## (Japan) minimize adverse impacts of fishing on target and non-target species, other users and marine ecosystems;] (Australia)

[72 (alternative B). Assessment of fishing methods and banning of unsustainable ## replace "unsustainable" with "non-selective" ## (Commission of the European Communities) fishing techniques, such as large-scale pelagic driftnet fishing in accordance with General Assembly resolution 44/225, in order to minimize adverse impacts of fishing on target and non-target species, other users and marine ecosystems.] (Contact group) ## delete both paragraphs ## (Iceland)

72 (alternative C). The full implementation of General Assembly resolution 44/225 on large-scale pelagic driftnet fishing ## (Japan)

73. Development and sharing of analytical and predictive tools such as stock assessment and bioeconomic models to assist in risk management and decision-making.

74. [Cautious handling of] [Harmonizing with] all situations dealing with risk, uncertainty and irreversibility.

75. Integration of environmental factors in management of living marine resources; (Contact group)

76. Acquisition of all the data, current and historic, necessary for effective management of fisheries resources including data on-catch and effort, bycatch and the impact of fishing on other users and the marine environment;

77. Promotion of regional fisheries management bodies [to cover the gaps in the existing coverage of the world's oceans;] (Australia)

78. When fishing practices are identified as harmful to marine species, these practices should be changed through the adoption of environmentally sound technology.

81. [Marine mammals. Continuing consultations.] (Australia)
delete entire paragraph except the following: "Acknowledge the principles of sustainable use in dealings with marine mammals resources" (sixth subparagraph) ## (Iceland)

[- Affirm the validity of the 1972 United Nations Conference recommendation that there should be a 10-year moratorium on Commercial Whaling and call for its full implementation by extending the present moratorium on commercial whaling until 1995/96;

- Welcome the IWC report on small cetaceans and urge IWC to continue to strengthen this work, and governments specifically concerned to act promptly on the recommendations of the IWC's Scientific Committee on this issue;

- Call for an international conference with the widest possible participation to be convened by 1995 to review the international machinery for the protection of all cetaceans, and to consider the most effective means for providing cetacean research, conservation and management into the twenty-first century.] (New Zealand) ## delete the last sentences of the paragraph and see the appendix for the reasons ## (Japan)

- [Support the International Whaling Commission in its efforts to ensure proper and effective conservation and development of large whale stocks.

- Same efforts for conservation of other depleted or endangered marine mammals should be made by countries and appropriate international bodies.] (Japan)

[- Acknowledge the principles of sustainable use in all dealings with marine mammals resources, and recognize the special needs of developing countries and indigenous peoples of the marine resources of their nutritional and economic development.

- Support the IWC in its efforts to restore stocks of highly migratory species of whales and call for increased scientific research and advice to fulfil this effort.

- Support scientific research on small cetaceans with the aim of creating national and regional conservation of these species.

- Support the Bonn Convention in its efforts to promote the establishment of regional agreements on management and conservation of small cetaceans.

- Call on the Governments to review and strengthen all possible efforts to counteract pollution threats to all marine mammals.] (Denmark)

82. [In the Polar regions, through United Nations involvement, to improve and introduce the anticipatory approach and adopt and implement an Antarctic Conservation Strategy, the Arctic Environment Protection Strategy and promote the Arctic Monitoring and Assessment Programme.

The following elements should be included:

- To establish a sanctuary for all cetaceans in their traditional natural habitat.

- Call upon the ATCP to protect and improve the status of living resources in the Antarctic region, including marine ecosystems and report regularly to the United Nations on its status through the General Assembly.

In relation to Maintenance of Ecosystem and Marine Biodiversity, the following elements should be included:

(a) Call for efforts to prevent overfishing including the banning of prospecting and mining in Antarctica so as to ensure that the protection of its environment for the benefit of all mankind.

(b) Call for the establishment of a nature reserve or World Park in Antarctica which constitute an integral part of the global commons.

In relation to Strengthening International Institutions and Legal Instruments, the following elements should be included:

- To establish a United Nations sponsored station in Antarctica with a view to promote coordinated international cooperation in scientific research for the benefit of mankind, particularly the importance of Antarctica to the global environment and ecosystems, as well as an early warning system on climate change and accidents.

- Call for the widest possible participation of the international community to review and negotiate a comprehensive convention on the Conservation and Protection of Antarctica.] (Malaysia) [delete entire paragraph 82] (Germany) ## delete entire paragraph 82 ## (Iceland)

Capacity Building

83. Each coastal country could establish:

(a) A unified policy framework and intergovernmental mechanisms for coastal management and marine resources management through a permanent consultation between the decision makers and the users.

(b) Procedures to involve the coastal communities the academic and private sector in the developing and implementing of programmes. (64)

84. Member States could create an interministerial mechanism, within the national planning and development bodies, for policy-making and long-term planning on oceans and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsibilities for oceans and coastal areas within Governments and establish a reviewing mechanism to update and enforce relevant national legislation to ocean management and coastal development.

(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.

(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions. (66)

85. Relevant regional agencies could assist coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technical infrastructure required and potential for expansion in regional marine and coastal areas research, training, management and technologies.

(b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and [monitoring] [systematic observation] (Mexico) programmes with predictive capabilities.

(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems.

(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.

(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society. (68)

[C.1 HIGH SEAS] [HIGH SEAS AND NATIONAL JURISDICTION]

Management-related

86. States [must] ## replace "must" by "should" ## (Japan) effectively monitor and control fishing activities of their national vessels and crews thereof to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and [avoidance][minimization] of incidental catch.

87 (alternative A). States [must] ensure that vessels authorized to fly their flag comply with the [applicable] conservation and management rules adopted by competent international [or regional] organizations or, where no such organization exists, through other [international] arrangements.

87 (alternative B). States should ensure that vessels authorized to fly their flag comply with the applicable conservation and management regulations adopted in accordance with the rules of those international or regional organizations to which they are contracting parties, or where no such organizations exists, through other arrangements to which they have agreed ## (Commission of the European Communities) and (Japan).

88 (alternative A). States [must] establish penalties under domestic law, and take legal action against their national vessels and crews thereof, for any violation of [applicable] rules adopted by competent international [or regional] organizations or, where no such organizations exist, through other [international] arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States [must] take similar action for any violation of domestically instituted conservation and management rules. (Contact group)

88 (alternative B). States should establish penalties under domestic law and take legal action against their nationals, vessels and crew thereof, for any violation of applicable regulations adopted in accordance with the rules of those international or regional organizations to which they are contracting parties, or where no such organizations exist through other arrangements to which they have agreed, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules ## (Commission of the European Communities) and (Japan)

89. States whose nationals or vessels fish in the same area of the high seas [must] ## replace "must" by "should" ## (Japan) cooperate to establish international [or regional] arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate, [reciprocal inspection and] enforcement systems and dispute settlement mechanisms. (Contact group)
bracket "and dispute settlement mechanisms" ## (Commission of the European Communities)

90. [States [must] ## replace "must" by "should" ## (Japan) cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their national vessels and crews thereof, do not violate rules adopted pursuant to such regimes]. (Contact group)

91. In areas of the high seas where a management regime has been agreed within the framework of a [competent international [or regional] organization] or, where such an organization does not exist, through another [international] arrangement, States [must] ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that

organization or arrangement. (Contact group) ## replace "or, where such ... accordance with the" by "States should respect such" ## (Japan) ## bracket whole paragraph ## (Commission of the European Communities)

91 bis. States fishing on the high seas should be encouraged to accede to international or regional organizations or other arrangements of relevance for the said fisheries ## (Commission of the European Communities)

92. [With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock [must] provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone; [high seas fisheries [must] ## replace "must" by "should" ## (Japan) not be directed toward the stock when the stock is fully utilized by the coastal State within its exclusive economic zone]. (Contact group) ## delete paragraph ## (Japan)

93. [With respect to a highly migratory species, the management regime on the high seas [must] fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid adverse impact on the resource within that zone]. (Contact group) ## delete paragraph ## (Japan)

Data and information

93 bis. States should promote scientific research and study activities to better understand resources condition ## (Japan)

94. The transparency of high seas fishing activities [must] ## replace "must" by "should" ## (Japan) be ensured. States [must] ## replace "must" by "should" ## (Japan) make available all relevant data relating to catches on the high seas to appropriate international [or regional] organizations. The relevant international [or regional] organizations should establish appropriate [monitoring] [systematic observation] (Mexico) programmes including the standardized collection of scientific data and the deployment of scientific observers.

Capacity Building

(see under General)

Global and Regional Cooperation and Coordination

95. The international community should strengthen capacities for collaboration between regional and global [international] fishery bodies [dealing with conservation and management of the oceans and seas. The], the United Nations Environment Programme Regional Seas Programme should be strengthened and the following action should be taken: (20)

(a) Relevant United Nations or other international Agencies should develop guidelines for better implementation of the Law of the Sea Convention (UNCLOS). FAO should prepare technical guidelines on responsible

replace "responsible" by "sustainable" ## (Japan) fishing in ## replace "in" by "on" ## (Japan) the high seas. ## delete last sentence ## (Iceland) ## bracket "last sentence" ## (Commission of the European Communities).

(b) Countries together with relevant international fisheries organizations and United Nations Agencies should ## cooperate to ## (Japan) establish programmes and special agreements to protect endangered species and stocks and to establish appropriate exploitation regimes for all stocks and species including those whose life cycles encompass both the high seas and EEZs ## bracket "and to establish ... seas and EEZs" ## (Commission of the European Communities). [This should include banning unsustainable fishing techniques and practices and restriction of less sustainable techniques and practices.] (20) ## delete sentence in brackets ## (Iceland)

96. Relevant United Nations bodies and other international agencies could develop collaborative technical and research programmes to improve understanding of species life cycles and migration, identifying critical areas and life stages.

(a) Countries with the assistance of relevant United Nations and other international agencies and non-governmental organizations ## replace "and non-governmental organizations" by "or regional organizations" ## (Iceland) could identify linkages between EEZs and high seas resources and could develop further the concept of large marine ecosystems and its potential for practical application in ocean management regimes.

[(b) FAO and other international agencies should assess resources potential, optimal fishing regimes and acceptable levels of exploitation and develop reliable international [monitoring], [systematic observation] (Mexico) control, surveillance and enforcement systems.] ## delete ## (Iceland).

(c) Regional fisheries bodies should link information systems which have part of the high seas ecosystem under their responsibility and take an inventory of all stocks (target and non-target) in order to set up rehabilitation measures where appropriate.

(d) GATT assisted by the FAO, should strengthen international technical cooperation mechanisms in relation to high seas stock-commodities with a view to identify and eventually eliminate inappropriate trade barriers and assist in preventing the evasion of international management regimes. (21) ## bracket paragraph ## (Commission of the European Communities).

[96 bis. States should develop multilateral standards ## change "standards" to "guidelines" ## (Commission of the European Communities) dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.] 3/

3/ 96 bis and 109 bis. Transfer one of them to general activities and delete the other (Japan).

[C.2 NATIONAL JURISDICTION]

Management-related

97. Coastal States could establish systems to regulate access through licensing, explicit users, limited entry, space allocation, closure zones and economic instruments; and domestic and international collaborative mechanisms on issues related to migratory fish [and long range fleet [monitoring] [systematic observation] (Mexico) and control.]

98. Coastal States could strengthen environmentally sound artisanal fishing technologies, collaborate with traditional coastal communities for the elimination of unsound ones, and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms.

99. Coastal States could ensure that, in their negotiation and implementation of international agreements on the conservation of living marine resources, indigneous peoples are represented and their interests, in particular, their right to subsistence are secured. (24(b) 28(b))

Data and information

100. Coastal States together with United Nations and other international agencies could complete/update living resource and critical habitat inventories of EEZs, at national and regional levels (coastal wetland, mangroves, seagrass beds, etc.) and develop legislation to protect them. FAO could develop methodologies to improve assessments in data-limited situations for the analysis of interactions between sectors and management under uncertainty. (25(a))

101. Coastal States could establish and improve data collection systems, and, when appropriate, provide the necessary data to regional and global fisheries bodies.

Capacity Building

102. National policy, legal and regulatory frameworks could be completed with the assistance of relevant international organizations looking toward improved enforcement capacity, investment and financing, including joint venture agreements, regulation of access, enhancement of small-scale fisheries, the improvement of seafood quality and rationalization of trade. (24)

103. Information systems, training and management-oriented research programmes could be implemented to provide a framework incorporating the ecosystem management approach at the national and regional level. (25)

104. Mariculture and coastal aquaculture potentials could be developed. National analyses for potential mariculture, coastal aquaculture (areas, species and methodologies) and other improvement, e.g. artificial reefs, in each developing coastal country could be developed within 10 years, within a framework of Integrated National Planning.

105. Coastal States could take steps to enhance the productivity and utilization of their marine living resources in terms of food production and income production from food products, pharmaceutical products, and recreational, cultural and aesthetic uses.

106. Coastal States could develop systems for the recognition, recording and application of community based traditional knowledge concerning marine resources and ecosystems and incorporate them into modern management systems in collaboration with the people and community concerned. (29(d))

International and Regional Cooperation and Coordination

107. Relevant United Nations and other international agencies should assist coastal countries to complete their legal and policy frameworks in line with UNCLOS, as well as to improve management methods, including control and surveillance and provide assistance to developing countries for research and development of economic uses of marine living resources. They should prepare guidelines for [responsible] [environmentally sound] ## replace "[responsible] [environmentally sound]" by "sustainable" ## (Japan) fishing with a view to reduce wastes, protect endangered species, reduce pollution [from fishing] and improve fishing gear efficiency and selectivity. (24(a)) [They should also provide for the transfer of environmentally sound technology to developing countries to develop their fisheries, and to replace fishing practices identified as harmful to marine species.] (Canada) [As related to fishing practices which become harmful to marine species because of significant ways of catch or significant bycatch of non-target species, pertaining to the development of new technologies, new standards should be reached through international agreements. These agreements will provide for the transfer of the new environmentally sound technology to developing countries and the provision of new additional funds for its implementation.] (Mexico)

108. Relevant United Nations and other international agencies should prepare a set of guidelines for potential application of a precautionary approach to living resources management; the concept of the Marine Catchment Basin for enclosed seas, as well as the ecosystem management approach and "large marine ecosystems" concepts, including the practical implications and applications. (25(c)) ## delete entire paragraph ## (Iceland)

109. FAO should prepare guidelines for [responsible and] environmentally sound intensive acquaculture to reduce environmental impacts and develop plans for basic, strategic and applied research especially on rural aquaculture. (26(b))

[109 bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.] (Contact group)

110. The international community should develop/improve markets to promote direct human consumption of fish and to enhance the contribution of subsistence fisheries. (27(c))

111. Relevant United Nations agencies should establish a methodology to assess the nutritional and health impacts of fishery policies and projects. (27(d))

112. Relevant United Nations programmes and agencies could provide to traditional coastal communities of indigenous peoples and, in developing countries, to subsistence fishermen [fisherfolk] the technical and financial assistance to organize and maintain global networks for the exchange and improvement of traditional and scientific knowledge of marine resources, their protection and environmentally sound use; and for the study and development of traditional management systems.

Means of implementation

113. Relevant United Nations agencies, donor community and development agencies could adopt a funding coordinating mechanism to assist all coastal States to build national and regional capacities for ocean and coastal areas management.

[C.1 HIGH SEAS]

Human Resources Development
(To be completed)

Scientific and Technological Means
(To be completed)

Financing and Cost Evaluation
(To be completed)

Capacity Building
(To be completed)

[C.2 NATIONAL JURIDICTION]

Human Resources

114. The regional bodies could develop multidisciplinary training and research on marine living resources, particularly in social and economic sciencies as well as in the use of geographical information systems. (25(b))

115. A framework to support artisanal fisheries and small-scale use of living marine resources and, in developing countries, subsistence fishermen could be developed at national and regional levels and encourage equitable participation of women and indigenous peoples. (29)

116. Countries could integrate small-scale fisheries developing in coastal zone planning, and create and encourage representation of fishermen and communities in planning management bodies. (29(a))

117. Countries could encourage for community-based users, including traditional coastal communities, women's groups and minorities/indigenous peoples, increased rights and responsibilities for management and enforcement [on fishing and non-fishing concerns, including eco-tourism] (Philippines); allocate marine resources equitably among small-scale, large-scale and sport fisheries [providing priority for the subsistence of minorities/indigenous peoples]; and set a system for small-scale fishworker rights. (29(b)) (Canada)

(B) Scientific and Technological Means

118. Countries could implement the FAO/ICES Code of Practice for Consideration of Transfer and Introduction of Marine and Freshwater Organisms and regional bodies could transfer available safe technologies and establish cooperative programmes with national centres. (26(c))

119. Improving seafood quality [and fisheries based industrialization, including deep-sea fishing for developing countries, in particular it] (Philippines) will be crucial for promoting trade and meeting social goals linked to nutrition and health. (27)

120. Countries could agree on global quality assurance systems in order to improve consumer confidence and maximize economic returns. (27(a))

121. Countries with the assistance of FAO could develop programmes to improve handling and processing, thus reducing post-harvest losses and discards. (27(b))

122. Coastal States could strengthen environmentally sound artisanal and subsistence fishing activities, collaborate with traditional coastal communities for the elimination of unsound ones and strengthen training and extension services in coordination with rural agricultural services together with appropriate financing mechanisms. (29(c))

Financing and Costing

123. Development agencies and donors should provide technical and financial support through regional organizations. (28(a))

124. Countries could utilize development funding for habitat management [and for action oriented research projects to immediately address prevailing problems]. (24(c))

125. (alternative A). FAO should assist countries to develop a programme for transfer of management methods and environmentally sound fishing technology, particularly for small-scale fishing and for the protection of resources with low resilience (marine mammals, sharks), [and trade in tropical fishing for the aquarium business as well as trade in corals.] (Philippines) (24(d))

125. (alternative B). FAO should assist countries to develop a programme for transfer of management methods and environmentally sound fishing technology, particularly for small-scale fishing. ## (Iceland)

ANNEX II

Text submitted by Algeria, Colombia, Chile, Mexico, Sweden, Uruguay and Venezuela dated 27 August 1991

C. SUSTAINABLE USE AND CONSERVATION OF HIGH SEAS: LIVING RESOURCES

Basis for actions

59. While high seas fisheries contribute to the effective utilization of resources and to the world supply of protein, management performance on the high seas has not infrequently been unsuccessful and many resources are overfished. [Management performance on the high seas has not always been successful and several types of resources are overfished]. In a number of high seas areas, the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are not being implemented as intended. [There are problems of unregulated fishing, vessel reflagging to escape controls, fishing practices such as large-scale pelagic driftnetting and overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States.]

Objectives

[62. Fisheries [must] be managed through ecosystem, multi-species management approaches on the basis of sustainable ecologically sound practices consistent with the best available scientific information, and must be effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

63. Ecosystem and multi-species approaches must be developed and implemented to preserve the biological diversity and productivity of marine species and maintain the ecological relationships among populations of such species.]

66. Selective fishing gear and practices should be used to [avoid] [minimize] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

[66 bis. The full implementation of General Assembly resolution 44/225 on large-scale pelagic driftnet fishing.]

69. [On the high seas, States fishing a stock which straddles the 200 mile limit of a coastal State, [or highly migratory species which are found within that limit], [must] take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200 mile limit [and in the highly migratory species while outside that limit]. High seas fishing [must] not have an adverse impact on the resources under the jurisdiction of coastal States].

70. Over the next few years, effective regional and international mechanisms and strategies should be developed and implemented where appropriate, through

cooperation between high seas fishing States, coastal States and relevant international organizations and existing regional and international mechanisms should be reinforced where appropriate to:

(a) Conserve and make full sustainable use of the living marine resources of the high seas, and improve the status of those which are depleted.

(b) Define and identify management units based on large marine ecosystems concepts.

(c) Provide for the negotiation of appropriate international agreements.

(d) Establish appropriate exploitation regimes for stocks whose life cycles encompass both the high seas and EEZs.

Activities

General

[72. [Assessment] [Promotion] of fishing methods to minimize adverse impacts of fishing on target and non-target species, other users and marine ecosystems;]

[72. Assessment of fishing methods and banning of unsustainable fishing techniques, such as large-scale pelagic driftnet fishing in accordance with General Assembly resolution 44/225, in order to minimize adverse impacts of fishing on target and non-target species, other users and marine ecosystems.]

73. Development and sharing of analytical and predictive tools such as stock assessment and bioeconomic models to assist in risk management and decision-making;

74. [Cautious handling of] [Harmonizing with] all situations dealing with risk, uncertainty and irreversibility;

75. Integration of environmental factors in management;

76. Acquisition of all the data, current and historic, necessary for effective management of fisheries resources, including data on catch and effort, bycatch and the impact of the fishing on other users and the marine environment;

77. Promotion of regional fisheries management bodies [to cover the gaps in the existing coverage of the world's oceans;]

81. [Marine mammals. Continuing consultations.]

[- Affirm the validity of the 1972 United Nations Conference recommendation that there should be a 10-year moratorium on Commercial Whaling and call for its full implementation by extending the present moratorium on commercial whaling until 1995/96;

- Welcome the IWC report on small cetaceans and urge IWC to continue to strengthen this work, and Governments specifically concerned to act promptly on the recommendations of the IWC's Scientific Committee on this issue;

- Call for an international conference with the widest possible participation to be convened by 1995 to review the international machinery for the protection of all cetaceans, and to consider the most effective means for providing cetacean research, conservation and management into the twenty-first century.]

[Support the International Whaling Commission in its efforts to ensure proper and effective conservation and development of large whale stocks.

Same efforts for conservation of other depleted or endangered marine mammals should be made by countries and appropriate international bodies.]

[- Acknowledge the principles of sustainable use in all dealings with marine mammals resources, and recognize the special needs of developing countries and indigenous peoples of the marine resources of their nutritional and economic development.

- Support the IWC in its efforts to restore stocks of highly migratory species of whales and call for increased scientific research and advice to fulfil this effort.

- Support scientific research on small cetaceans with the aim of creating national and regional conservation of these species.

- Support the Bonn Convention in its efforts to promote the establishment of regional agreements on management and conservation of small cetaceans.

- Call on the Governments to review and strengthen all possible efforts to counteract pollution threats to all marine mammals.]

82. [Polar regions and specific seas]

[Delete]

[The Antarctic Treaty Parties that singled out Antarctica to be identified as a specific regional issue for consideration by UNCED is inappropriate for the following reasons:

- The Antarctica Treaty provides a tried and tested basis for managing activities in Antarctica.

- In the carefully drafted General Assembly Resolution 44/228, neither Antarctica nor any other specific region has been identified as one of the UNCED priority areas.

- UNCED already has a hardly manageable workload; identifying specific regions for priority action within the proposed Agenda 21 would open the doors to unravel a carefully negotiated settlement on priority issues and areas as contained in Resolution 44/228.

Consistent with this approach therefore, the Treaty Parties will oppose the inclusion in a possible Agenda 21 of specific references to Antarctica such as those contained i.a. in paragraphs 18, 20 and 34 of document PC/42/Add.6, or as proposed by some distinguished delegates in the course of our debate.]

[In the Polar regions, through United Nations involvement, to improve and introduce the anticipatory approach and adopt and implement an Antarctic Conservation Strateyg, the Arctic Environment Protection Strategy and promote the Arctic Monitoring and Assessment Programme.

The following elements should be included:

- To establish a sanctuary for all cetaceans in their traditional natural habitat.

- Call upon the ATCP to protect and improve the status of living resources in the Antarctic region, including marine ecosystems and report regularly to the United Nations on its status through the General Assembly.

In relation to Maintenance of Ecosystem and Marine Biodiversity, the following elements should be included:

(a) Call for efforts to prevent overfishing including the banning of prospecting and mining in Antarctica so as to ensure the protection of its environment is for the benefit of all mankind.

(b) Call for the establishment of a nature reserve or World Park in Antarctica which constitute an integral part of the global commons.

In relation to Strengthening International Institutions and Legal Instruments, the following elements should be included:

- To establish a United Nations sponsored station in Antarctica with the view to promote coordinated international cooperation in scientific research for the benefit of mankind, particularly the importance of Antarctica to the global environment and ecosystems, as well as an early warning system on climate change and accidents.

- Call for the widest possible participation of the international community to review and negotiate a comprehensive convention on the Conservation and Protection of Antarctica.]

Management related

86. States [must] effectively monitor and control fishing activities of their national vessels and crews thereof to ensure the conservation of resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and [avoidance] [minimization] of incidental catch.

87. States [must] ensure that vessels authorized to fly their flag comply with the [applicable] conservation and management rules adopted by competent international [or regional] organizations or, where no such organizations exist, through other [international] arrangements.

88. States [must] establish penalties under domestic law, and take legal action against their national vessels and crews thereof, for any violation of [applicable] rules adopted by competent international [or regional] organizations or, where no such organizations exist, through other [international] arrangments, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.

89. States whose national vessels fish in the same area of the high seas [must] cooperate to establish international [or regional] arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate [reciprocal inspection and] enforcement systems and dispute settlement mechanisms.

90. [States [must] cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their national vessels and crews thereof, do not violate rules adopted pursuant to such regimes].

91. In areas of the high seas where a management regime has been agreed within the framework of a [competent international] [or regional] organizational or, where such an organization does not exist, through another [international] arrangement, States [must] ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.

92. [With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock [must] provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone; [high seas fisheries [must] not be directed toward the stock when the stock is fully utilized by the coastal State within its exclusive economic zone].

93. [With respect to a highly migratory species, the management regime on the high seas [must] fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid adverse impact on the resource within that zone].

Data and information

94. The transparency of high seas fishing activities [must] be ensured. States [must] make available to appropriate international [or regional] organizations all relevant data relating to catches on the high seas. The relevant international [or regional] organizations should establish appropriate monitoring programmes including the standardized collection of scientific data and the deployment of scientific observers.

International and Regional Cooperation and Coordination

95. The international community should strengthen capacities for collaboration between regional and global [international] fishery bodies [dealing with conservation and management of the oceans and seas. The], the United Nations Environment Programme Regional Seas Programme should be strengthened and the following actions should be taken: (20)

(a) Relevant United Nations or other international agencies should develop guidelines for better implementation of the Law of the Sea Convention (UNCLOS). FAO should prepare technical guidelines on responsible fishing in the high seas.

(b) Countries together with relevant international fisheries organizations and United Nations agencies should establish programmes and special agreements to protect endangered species and stocks and establish appropriate exploitation regimes for all stocks and species including those whose life cycles encompass both the high seas and EEZs. [This should include banning unsustainable fishing techniques and practices and restriction of less sustainable techniques and practices.]

96. Relevant United Nations bodies and other international agencies could develop collaborative technical and research programmes to improve understanding of species life cycles and migration, identifying critical areas and life stages. (21)

(a) Countries with the assistance of relevant United Nations and other international agencies and non-governmental organizations, could identify linkages between EEZs and high seas resources and could develop further the concept of large marine ecosystems and its potential for practical application in ocean management regimes.

[(b) FAO and other international agencies should assess resources potential, optimal fishing regimes and acceptable levels of exploitation and develop reliable international monitoring, control, surveillance and enforcement systems.]

(c) Regional fisheries bodies should link information systems which have part of the high seas ecosystem under their responsibility and take an inventory of all stocks (target and non-target) in order to set up rehabilitation measures where appropriate.

(d) GATT assisted by the FAO, should strengthen international technical cooperation mechanisms in relation to high seas stock-commodities with a view to identify and eventually eliminate inappropriate trade barriers and assist in preventing the evasion of international management regimes.

[96 bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

Means of implementation

Human Resources Development
(To be completed)

Scientific and Technical Means
(To be completed)

Financing and Cost Evaluation
(To be completed)

Capacity building
(To be completed)

D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION

Basis for actions

58. The conservation and management of marine living resources should take place on the basis of sustainable utilization. This is of social, economic and nutritional importance, and contributes to national food security, not least to developing countries and indigenous peoples. The special status of indigenous peoples should be recognized including their rights to utilizations and protection of their habitats on a sustainable basis.

60. World oceans yield about 80-90 million tons per year, 95 per cent of which comes from EEZs. They provide healthy food and livelihoods to millions of people in coastal areas. However, many countries continue to face mounting problems related to implementation of their rights and obligations under UNCLOS, including local overfishing, [poor management performance] unauthorized incursions by foreign vessels, ecosystem degradation, increased stock fluctuations, overcapitalization, excessive fleet sizes, inefficiently selective gear, unreliable data bases and inadequate information about their resource base, increasing competition between artisanal and industrial fishing and between fishing and other types of activities. (22)

61. Problems extend beyond fisheries. Coral reefs and other largely tropical coastal habitats such as seagrass communities, managroves and estuaries among the most highly diverse, integrated and productive of the earth's ecosystems.

They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and or sea level.

[Objectives

71. The objective would be to build national capacity over the next 10 years to make full sustainable use of the EEZs. (23)

General

64. [States must] [States in accordance to their national legislation and policies could] ensure as far as practicable that human activities do not result in the decrease of any population of marine species, with special attention to marine mammals and sea turtles, below a level at which its recruitment is stable, but preferable not below a level close to that which ensures the greatest net annual increment; populations of marine species that have been depleted by harvesting should be restored to these levels.

65. Data and information [must] [should] be obtained [by States with the cooperation of international organizations], including verifiable catch and effort statistics on the commerical harvesting of populations of marine species, including bycatch, adequate to reliably assess and predict the effects of such harvesting.

66. Selective fishing gear and practices should be used to [avoid] [minimize] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

[67. States should ensure that each population of marine species that is the target of fishing [exploitation] activities is harvested in areas and at the stage of its life cycle that ensures maximum economic efficiency, consistent with these principles.]

68. Fish [marine species] for human food, should take priority over other uses, and the amount available for human food should be increased by avoiding wastage and improving techniques of capture [harvest], handling and transportation.]

Capacity Building

83. Each coastal country could establish:

(a) A unified policy framework and intergovernmental mechanisms for coastal management and marine resources management through a permanent consultation between the decision makers and the users.

(b) Procedures to involve the coastal communities, the academic and private sector in the development and implementation programmes. (64)

84. Member States could create an interministerial mechanism within the national planning and development boides, for policy-making and long term planning on oceans and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsibilities for oceans and coastal areas within Governments and establish a reviewing mechanism to update and enforce relevant national legislation to ocean management and coastal development.

(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.

(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions. (66)

85. Relevant regional agencies could assist coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technical infrastructure required and potential for expansion in regional marine and coastal areas research, training, management and technologies.

(b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities.

(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems.

(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.

(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society. (68)

Management-related

97. Coastal States could establish systems to regulate access through licensing, explicit user's rights, limited entry, space allocation, closure zones and economic instruments; and domestic and international collaborative mechanisms on issues related to migratory fish [and long range fleet monitoring and control.]

98. Coastal States could strengthen environmentally sound artisanal fishing technologies, collaborate with traditional coastal communities for the elimination of unsound ones, and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms.

99. Coastal States could ensure that, in their negotiation and implementation of international agreements on the conservation of living marine resources, indigenous peoples are represented and their interestes, in particular, their right to subsistence are secured.

Data and information

100. Coastal States together with United Nations and other international agencies could complete/update living resource and critical habitat inventories of EEZs, at national and regional levels (coastal wetland, mangroves, seagrass beds, etc.) and develop legislation to protect them. FAO could develop methodologies to improve assessments in data-limited situations for the analysis of interactions between sectors and management under uncertainty. (25 (a))

101. Coastal States could establish and improve data collection systems, and, when appropriate, provide the necessary data to regional and global fisheries bodies.

Capacity Building

102. National policy, legal and regulatory frameworks could be completed with the assistance of relevant international organizations looking toward improved enforcement capacity, investment and financing including joint venture agreements, regulation of access, enhancement of small-scale fisheries, the improvement of seafood quality and rationalization of trade. (24)

103. Information systems, training and management-oriented research programmes could be implemented to provide a framework incorporating the ecosystem management approach at the national and regional level. (25)

104. Mariculture and coastal aquaculture potentials could be developed. National analyses for potential mariculture, coastal aquaculture (areas, species and methodologies) and other improvements e.g. artificial reefs, in each developing coastal country could be developed within 10 years within a framework of Integrated National Planning.

105. Coastal States could take steps to enhance the productivity and utilization of their marine living resources in terms of food production and income production from food products, pharmaceutical products, and recreational, cultural and aesthetic uses.

106. Coastal States could develop systems for the recognition, recording and application of community based traditional knowledge concerning marine resources and ecosystems and incorporate them into modern management systems in collaboration with the people and community concerned. (29 (d))

International and Regional Cooperation and Coordination

107. Relevant United Nations and other international agencies should assist coastal countries to complete their legal and policy frameworks in line with UNCLOS, as well as to improve management methods including control and surveillance and provide assistance to developing countries for research and development of economic uses of marine living resources. They should prepare guidelines for [responsible] [environmentally sound] fishing with a view to reduce wastes, protect endangered species, reduce pollution [from fishing] and improve fishing gear efficiency and selectivity. [They should also provide for the transfer of environmentally sound technology to developing countries to develop their fisheries, and to replace fishing practices identified as harmful to marine species.] [As related to fishing practices which become harmful to marine species because of significant ways of catch or significant bycatch of non-target species, pertaining to the development of new technologies, new standards should be reached through international agreements. These agreements will provide for the transfer of the new environmentally sound technology to developing countries and the provision of new additional funds for its implementation.] (24 (a))

108. Relevant United Nations and other international agencies should prepare a set of guidelines for potential application of a precautionary approach to living resources management; the concept of the Marine Catchment Basin for enclosed seas, as well as the ecosystem management approach and "large marine ecosystems" concepts, including the practical implications and applications. (25 (c))

109. FAO should prepare guidelines for [responsible and] environmentally sound intensive aquaculture to reduce environmental impacts and develop plans for basic, strategic and applied research especially on rural aquaculture. (26 (b))

[109 bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

110. The international community should develop/improve markets to promote direct human consumption of fish and to enhance the contribution of subsistence fisheries. (27 (c))

111. Relevant United Nations agencies should establish a methodology to assess the nutritional and health impacts of fishery policies and projects. (27 (d))

112. Relevant United Nations programmes and agencies could provide to traditional coastal communities of indigenous peoples and, in developing countries, to subsistence fishermen [fisherfolk] the technical and financial assistance to organize and maintain global networks for the exchange and improvements of traditional and scientific knowledge of marine resources, their protection and environmentally sound use; and for the study and development of traditional management systems.

Means of implementation

113. Relevant United Nations agencies, donor community and development agencies could adopt a funding coordinating mechanism to assist all coastal States to build national and regional capacities for ocean and coastal areas management.

Human Resources Development

114. The regional bodies could develop multidisciplinary training and research on marine living resources, particularly in social and economic sciences as well as in the use of geographical information systems. (25 (b))

115. A framework to support artisanal fisheries and small-scale use of living marine resources and, in developing countries, subsistence fishermen could be developed at national and regional levels and encourage equitable participation of women and indigenous peoples. (29)

116. Countries could integrate small-scale fisheries development in coastal zone planning, and create and encourage representation of fishermen and communities in planning management bodies. (29 (a))

117. Countries could encourage for community-based users, including traditional coastal communities, women's groups and minorities/indigenous peoples, increased rights and responsibilities for management and enforcement [on fishing and non-fishing concerns including eco-tourism]; allocate marine resources equitably among small-scale, large-scale and sport fisheries [providing priority for the subsistence of minorities/indigenous peoples]; and set a system for small-scale fishworker rights. (29 (b))

Scientific and Technical Means

118. Countries could implement the FAO/ICES Code of Practice for Consideration of Transfer and Introduction of Marine and Freshwater Organisms and regional bodies could transfer available safe technologies and establish cooperative programmes with national centres. (26 (c))

119. Improving seafood quality [and fisheries-based industrialization including deep-sea fishing for developing countries, in particular it] will be crucial for promoting trade and meeting social goals linked to nutrition and health. (27)

120. Countries could agree on global quality assurance systems in order to improve consumer confidence and maximize economic returns. (27 (a))

121. Countries with the assistance of FAO could develop programmes to improve handling and processing, reducing post-harvest losses and discards. (27 (b))

122. Coastal States could strengthen environmentally sound artisanal and subsistence fishing activities, collaborate with traditional coastal communities for the elimination of unsound ones and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms. (29 (c))

Financing and Cost Evaluation

123. Development agencies and donors should provide technical and financial support through regional organizations. (28 (a))

124. Countries could utilize development funding for habitat management [and for action-oriented research porjects to immediately address prevailing problems]. (24 (c))

125. FAO should assist countries to develop a programme for transfer of management methods and environmentally sound fishing technology, particularly for small-scale fishing and for the protection of resources with low resilience (marine mammals, sharks), [and trade in tropical fishing for the aquarium business as well as trade in corals]. (24 (d))

ANNEX III

Text submitted by the United States on 15 October 1991

Contribution submitted on 15 October 1991 by the delegation of the United States of America to Working Group II for the United Nations Conference on Environment and Development in response to the request for comments by 15 October 1991 by decision document A/CONF.151/PC/WG.II/L.22/Rev.1.

The United States, in an effort to promote consensus, proposes to substitute the following for the first part of subsection C of the Chairman's Working Paper of 23 August 1991. This paper does not address the area of means of implementation. The United States reserves its position with respect to the other sections of the Chairman's paper and looks forward to the opportunity Preparatory Committee IV will provide to address those issues.

C. Marine Living Resources

Basis for Actions

World oceans yield about 80-90 million tons of fish and shellfish per year, 95 per cent of which comes from EEZs. They provide a livelihood to millions of people in coastal areas. However, many fisheries continue to face mounting problems related to local overfishing, domination by foreign fleets, ecosystem degradation, increased stock fluctuations, overcapitalization, excessive fleet sizes, insufficiently selective gear, unreliable database, increasing competition between artisanal and industrial fishing and between fishing and other types of activities.

The 1982 United Nations Convention on the Law of the Sea sets forth the rights and obligations of States to manage and conserve living resources both within exclusive economic zones and on the high seas. Much needs to be done to implement these rights and obligations.

Management performance on the high seas has not been successful and many resources are overfished. Cooperation at bilateral, regional and international level is essential to maintain, rehabilitate and strengthen the management systems for sustainable use of fishery resources and transboundary stocks, supported by cooperative research and improved data systems. Emphasis could be on multi-species management, especially addressing depleted species of large pelagic fish, but also considering species where higher exploitation rates may be sustainable.

In order to maintain and sustain the life support and productive capacity of the marine environment, for both present and future generations, States, acting individually and in cooperation, where appropriate, through the relevant international organizations should promote the objectives set forth below:

Objectives

(a) Maintenance of Healthy Population Levels for All Marine Species

Ensure as far as practicable that human activities do not result in a decrease of any population of marine species below a level at which its recruitment is stable, specifically below a level close to that which ensures the greatest net annual increment.

(b) Restoration of Depleted Species to Healthy Levels

Restore to the levels set forth in objective (a) of populations of marine species that have been depleted by harvesting.

(c) Special Protection for Endangered or Threatened Species (e.g., Marine Mammals)

Protect and restore populations of endangered or threatened marine mammals, sea turtles and other species that inhabit or depend upon the marine environment.

(d) Commercial Fisheries

Sound Fisheries Practices

Use of selective fishing gear and practices that avoid significant waste of catch of target populations of marine species or in the significant bycatch of non-target species, including marine mammals, sea birds and turtles.

Introduce new fishing practices and fishing gear only if prior assessment demonstrates that such gear or practice will not result in significant waste of catch or target populations or in the significant bycatch of non-target species, including marine mammals, sea-birds and turtles.

Economically Sustainable Practices

Ensure that each population of marine species that is the target of fishing activities is harvested in areas and at the stage of its lifecycle that ensures maximum economic efficiency, consistent with these principles.

Ensure that high seas fisheries are managed in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea.

Importance of Traditional Knowledge

Take into account traditional knowledge and interests of indigenous peoples in fishery development and management programmes.

Data and Information Requirements

Provide data and information, including verifiable catch and effort statistics, on the harvesting of populations of marine species, including bycatch, adequate to assess and predict reliably the effects of such harvesting.

(e) Protection of Rare or Fragile Ecosystems

Designate areas of the marine environment for special protection in order to preserve rare or fragile ecosystems. Designate marine sites for the purpose of preserving or restoring their scientific, wilderness, recreational or aesthetic value, as well as for monitoring changes in the marine environment and to preserve unique opportunities for scientific research.

(f) Habitat Protection

Special measures to preserve the habitats of populations of marine species, including designation of marine and coastal protected areas, in particular breeding, spawning and nursery areas, as well as areas of high biodiversity.

Activities

Management-related

I. Call for the application of ecosystems, multi-species management of marine living resources in order to provide conservation, including sustained use, of marine fisheries.

Develop strategies for management of high seas fisheries, including cooperation with the appropriate coastal States and where appropriate through relevant international organizations:

(a) Define and identify management units based on large marine ecosystems concepts, taking into account the juridical foundations of the 1982 United Nations Convention on the Law of the Sea;

(b) Ensure that high seas fisheries are managed in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea;

(c) Negotiate appropriate international agreements for the effective management and conservation of fishery stocks.

1. Relevant United Nations agencies should elaborate on existing principles and develop guidelines for better implementation of the 1982 United Nations Convention on the Law of the Sea.

2. States, together with relevant United Nations agencies, should establish programmes and special agreements for the effective management and conservation of fishery stocks. This should include a ban on unsustainable fishing techniques and practices including the implementation of General Assembly resolution 44/225 on large-scale pelagic driftnet fishing.

II. Call for relevant United Nations bodies to develop collaborative technical and research programmes to improve understanding of species life cycle and migration, identifying critical areas and life stages. States, with the assistance of relevant international organizations should identify

linkages between exclusive economic zones and high seas resources. They should explore further the concept of large marine ecosystems, and its potential for practical application in ocean management.

III. Call for effective action to manage and conserve shared fisheries populations, including cooperation, where appropriate, with the relevant international organizations:

(a) Implement the provisions of the 1982 United Nations Convention on the Law of the Sea, including international cooperation, with regard to fisheries populations whose ranges lie both within and beyond exclusive economic zones (stradding stocks);

(b) Implement the provisions of the 1982 United Nations Convention on the Law of the Sea, including international cooperation, with regard to highly migratory species.

IV. Call for implementation of a cooperative strategy among relevant regional bodies and development agencies for shared coastal fisheries populations:

(a) Development agencies and donors could provide technical and financial support through regional organizations;

(b) Fishery bodies should establish collaborative mechanisms on issues related to shared coastal fisheries populations in order to promote resource conservation and allocation among participating coastal States.

V. Call for the protection of marine mammals, including small cetaceans, and endangered marine species:

(a) Support the conservation programme of the International Whaling Commission (IWC);

(b) Elaborate, through the IWC, specific provisions for the conservation of small cetaceans, particularly endangered populations;

(c) Negotiate agreements, where appropriate on a regional basis, to prohibit the direct harvest, protect the habitats and prevent the incidental take of endangered species, including sea turtles;

(d) Negotiate, where appropriate through regional fisheries bodies, agreements to reduce the take of dolphins in fisheries for tuna and other highly migratory species to insignificant levels approaching zero and to eliminate the capture of dolphins, if possible.

VI. Call for curtailment of destructive fishing practices, through cooperation with relevant international organizations:

(a) Negotiate worldwide ban on use of large-scale driftnets, and fully implement General Assembly Resolution 44/225 on large scale pelagic driftnet fishing;

(b) Prohibit dynamiting, poisoning and other wasteful techniques;

(c) Provide technical assistance in the introduction of selective fisheries gear and practices, including the adaptation of artisanal fisheries, to reduce incidental take and wastage;

(d) Develop appropriate legal frameworks for permits, licenses and enforcement measures, allocation of resources and space, for banning of environmentally harmful fishing gears. Environmental impact assessment procedures should be made mandatory;

(e) Implement the fisheries provisions of the 1982 United Nations Convention on the Law of the Sea together with regional and international collaboration;

(f) The Food and Agriculture Organization should develop international guidelines for a global programme to improve gear selectivity, and adoption of safe technology that will not affect long-term productivity and marine ecological integrity.

VII. Call for each coastal State to develop programmes to protect its critical marine and coastal areas. Marine and coastal protected areas would be established, and would include an inventory of endangered species and critical coastal and marine habitats, and where appropriate, protect them through national legislation:

(a) Member States should support scientific research on and systematic observation of resources of these marine areas; particularly in areas of high diversity, endemism, productivity and spawning, recruit, nursery grounds and migratory stopover points;

(b) Non-governmental organizations could assist States in enhancing public awareness of the importance of marine biodiversity;

(c) States should identify and protect marine ecosystems, exhibiting high levels of biodiversity and productivity, and other critical habitat areas and accord priority to:

1. Coral reef ecosystems;

2. Estuaries;

3. Temperate and tropical wetlands, including mangroves;

4. Seagrass beds;

5. Other spawning and nursery areas;

(d) Provide necessary limitations on use in such areas, including designation of protected areas in which resource utilization and other activities are prohibited;

(e) Cooperate with the appropriate coastal States and seek advice from and cooperation with relevant international organizations on identifying representative examples and management techniques.

VIII. Call for the inclusion of a marine biodiversity strategy in the global biodiversity convention. This should include a global programme for identification and protection of fragile, critical and vulnerable coastal and oceanic habitats:

(a) Guidelines should be developed for designating protected areas and preparing management plans at the national and regional levels;

(b) The international community should give priority to establishing a global system of marine protected areas;

IX. Call for States to conduct national analyses of the potential for mariculture and coastal aquaculture:

(a) Relevant international organizations should prepare guidelines for responsible, environmentally sound, and appropriate technology to reduce adverse environmental impacts;

(b) States should consider implementing ICES Code of Practice for consideration of transfer and introduction of marine and freshwater organisms and regional bodies could transfer available safe technologies and establish cooperative programmes with national centres;

(c) States should implement national programmes to control the introduction of new species for aquaculture;

(d) Establish sustainable mariculture development strategies, including environmental management in support of rural fish farming communities. States should also develop plans for basic, strategic and applied research especially on rural aquaculture.

X. Call for States to improve seafood quality and marketing which will be crucial for promoting trade and meeting social goals linked to nutrition and health:

(a) States should agree on global quality assurance systems in order to improve consumer confidence and maximize economic returns;

(b) States, with the assistance of the Food and Agriculture Organization, should develop programmes to improve handling and processing, reducing post-harvest losses and discards;

(c) Relevant United Nations agencies should establish a methodology to assess the nutritional and health impacts of fishery policies and projects.

XI. Call on States to support sustainable artisanal fisheries and small-scale use of marine living resources, including encouragement of equitable participation:

(a) Integrate small-scale fisheries development in coastal zone planning;

(b) Adapt local traditional fisheries to multi-species management;

(c) Develop data and information exchange systems;

(d) Provide technical assistance in quality control, processing and marketing;

(e) Improve local traditional fisheries, including cooperation through the relevant international organizations;

(f) Introduce environmentally sound artisanal fishing technologies, ban unsafe ones, and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms;

(g) Develop systems for the acquisition, recording and application of community based traditional knowledge concerning marine resources and environment into modern management systems.

XII. Call for coastal States, with the assistance of relevant United Nations agencies, to establish research priorities for living resources to address critical uncertainties for ocean and coastal area management such as:

(a) Living resources potential, optimal fishing regimes and acceptable levels of exploitation including the species life cycle and migration to identify critical areas and life stages;

(b) Fate and effect of various contaminants including those associated with eutrophication and toxic phytoplankton blooms in fisheries;

(c) Development of appropriate and new marine technologies to utilize under-exploited resources, for aquaculture, food processing and for pollution control;

(d) Critical or sensitive marine ecosystems response and rehabilitation strategies of degraded areas relevant for coastal sustainable development of living resources;

(e) Causes and effects of mass coral reef bleaching on living resources;

(f) Participation in the Global Ocean Observing System (GOOS) and its systematic observation of global climate change on living resources.

Appendix I

Explanatory note from Japan

In providing its comments, the Government of Japan requested that the following be provided as an explanation for the proposed changes of paragraph 82:

1. First of all, validity of a blanket moratorium is questionable in light of current scientific findings. The concept of a moratorium on whaling received its first airing at the United Nations Conference on the Human Environment in 1972. Even at that time there was no scientific justification, except for one based on uncertainties over whale stocks, for such a total moratorium. Through the 1970s the Whaling issue was transformed into a political issue, and in 1982 the anti-whaling lobby won enough support to introduce a moratorium without a blessing of its Scientific Committee.

To date, however, the quality and quantity of research of nations concerned has dramatically removed uncertainties on certain whale stocks. The results of exhaustive research have demonstrated to the satisfaction of many non-partisan scientists in the IWC that some of these stocks are healthy and were never in need of protection. For example, since 1978 scientists from many nations have sailed on Japanese vessels on sighting surveys in the Antarctic. These surveys have been conducted under the auspices of the IWC, and data have been analysed by its Scientific Committee. The latest estimate of Southern Hemisphere minke whale population is in excess of 760,000, leading scientists to conclude that this stock is at least as plentiful, and perhaps more so, than at any time in history.

In this case of some whale species, such as the blue whale, the validity of a moratorium is not in dispute. Along with all other nations of the world, Japan has no desire to see a resumption of the harvesting of heavily depleted species. But a moratorium which applies to all stocks of all species is no longer justifiable.

Secondly, while the UNCED is supposed to concern itself with promoting a state of balance and harmony between environmental protection and development, any call to extend a blanket moratorium in the light of present knowledge on whale stocks would not demonstrate a sense of balance.

In view of the ever-increasing world population and consequent pressure on available food resources, the UNCED must adhere to the established principle of "sustainable development" of renewable natural resources. In particular, we must utilize to the maximum extent the renewable resources of the oceans in order to ease the crippling pressure currently being on the land. In this context, too, the proposal is quite irrelevant to the UNCED.

2. We appreciate the effort made by the IWC Scientific Committee to fully review statuses of various small cetaceans in the world.

However, actions to be taken following the IWC Scientific Committee recommendations should be left with respective Governments or regional bodies as appropriate.

3. Conservation and management of large whales have been promoted by the International Whaling Commission (IWC) on the basis of the best available scientific evidence. Its recent achievements are remarkable as mentioned in the foregoing paragraph. Any attempt to review this machinery would pre-empt its further effort and is superfluous.

Regarding small cetaceans, while we take note of the view of New Zealand that those species need appropriate management, we believe a regional approach, as is represented by dolphin-tuna programme of the IATTC, can achieve this goal. Most stocks of small cetaceans reside in world coastal areas, and they are incidentally caught by specific world fishing operations. Japan has been urging in the FAO meetings that the FAO/UNEP joint programmes under the Marine Mammal Action Plan (MMAP) should strenuously deal with research and assessment on marine mammals. Under these circumstances, additional calling for an international conference would lead to misappropriation of human resources and funds.

Appendix II

Comments from Ecuador received after 15 October 1991

GENERAL OBJECTIVES

1. Marine and coastal ecosystems - including the oceans and adjacent coastal areas - form an integrated whole that is an essential component of the global life support system. Coastal regions are home to three quarters of the world's population and support ecological and economic resources that are indispensable for the quality of life of the majority of people on the planet. Coastal and marine environments should be viewed as a positive asset presenting opportunities for sustainable development. Management of their environmental quality and ecological integrity is a prerequisite for ensuring the sustainable use and development of their resources.

2. Principles of ... dealing with the oceans and coastal areas.

Note: Throughout the document, the expression "marine ecosystem" or "marine environment" should be replaced by "marine and coastal ecosystem" or "marine and coastal environments". The same comment applies to the expression "marine resources", which should read "marine and coastal resources", as appropriate.

A. INTEGRATED MANAGEMENT (AND SUSTAINABLE DEVELOPMENT) OF COASTAL AREAS AND MARINE ECOSYSTEMS INCLUDING EXCLUSIVE ECONOMIC ZONES

Basis for action

4. Coastal areas contain three quarters of the world's population and will absorb the bulk of the increase between now and the year 2020, by which time the population is expected to double to 8.5 billion. It also contains the most productive and varied ecosystems and a high proportion of the best soil for agriculture, and is essential for human settlements and for economic development through agriculture, forestry, fisheries and aquaculture, various industries, port development, shipping, marine and coastal transport, shore protection, tourism and recreation. Coastal and marine areas are crucial to national security, and contain the most productive ecosystems in the world, with rich resources for biological diversity. The Exclusive Economic Zone is also very important for people ... .

4 bis. ... In various parts of the world such coastal and marine systems are threatened due to problems such as growing pollution, urbanization, poverty and demand for energy or direct causes of degradation such as pollution and sedimentation linked to coastal development and the growth in mariculture in estuaries or interruption of the flow of water by means of dams in middle and upper basins. Other factors also operate, ranging from local cultural practices to changes in sea temperature or sea level.

Objectives

7. Formulate guidelines for integrated management of coast and oceans and document existing models for the management of coastal resources and key topics for 1994 and establish at national, regional and global levels integrated ... .

Activities

Management-related

13. Each coastal State could institute a process for the formulation and effective implementation of programmes for the management of marine and coastal ecosystems. This exercise should:

(a) Concentrate on well-defined topics (environmental, institutional, socio-economic and cultural);

(b) Create opportunities for combining presentation and implementation;

(c) Focus policies, institutional analyses, research and education on key subjects related to the topics identified;

(d) Ensure that all those involved in the management arrangements participate in all stages of planning and implementaion, including governmental organizations, the local people, decision makers, the academic and private sectors, NGOs and other related users.

The process will require concerted action between central and local government and between the governmental and non-governmental sectors, combining policy, research and education and linking the various disciplines. Coastal States could establish protected areas in coastal ecosystems and in exclusive economic zones which are important because of ... .

International and regional cooperation and coordination

14.

(a) International and regional organizations could help coastal countries in the formulation of simple indicators of importance for the quality of human life and in managing the use and status of marine and coastal ecosystems; they could also assist by enhancing the ability of each country to manage its ecosystems.

Data and information

16. Enhance the capacity of the developing countries for the acquisition, management and dissemination of information and data adequate ...

To improve the information base (replace the rest of the text by the following) that sustainable coastal management requires, it will be necessary to add data which document trends in the values, condition and use of the

environments and resources of the coast and marine Exclusive Economic Zone. The information should focus on the key subjects important for management. Coastal countries should develop profiles of their coasts and their resources, identifying and analysing:

(a) The use of existing resources, potential conflicts and their causes;

(b) Trends in population and in socio-cultural values;

(c) The structure of incentives that affect the use of coastal and EEZ resources, including the economic potential of alternative uses;

(d) Biophysical processes in critical habitats.

This information for management purposes should receive priority support in view of the intensity and magnitude of the changes occurring in the coastal zone and the Exclusive Economic Zone. It is also necessary to:

(a) Assess fishing resources

(b) Rationalize and expand the data base ...

Means of implementation/resource requirements

20.

(a) (replace by the following text):

Technical and financial assistance for the development and implementation of programmes for the management of coastal and EEZ resources will vary with the priorities and needs of each country, but must include the preparation of profiles focused on specific topics relating to the basic resources of the coastal zone and the EEZ, identifying the functions and processes of critical areas, resource uses and conflicts between uses, as well as management priorities for specific areas.

The development of a management system focused on the key subjects identified in the profiles should be achieved by means of public participation in order to build the necessary support for management actions.

Assistance should provide support for model programmes for integrated resource management, as well as the dissemination of experience in this area to facilitate their application in other localities.

Regional training programmes and efforts to operate information networks should take account of management experience and should also help developing coastal countries to improve their scientific and technical capacities for the integrated management of their coastal areas ... .

Appendix III

Comments from Tunisia received after 15 October 1991

(a) **Protection of the oceans, all kinds of seas including enclosed and semi-enclosed seas**

(i) There is a need to emphasize the relevance of the points set out in document A/CONF.151/PC/WG.II/L.22, which the third session of the Preparatory Committee is forwarding to the intergovernmental meeting of experts on the degradation of the marine environment to be organized by UNEP and UNCED shortly.

(ii) Regarding document A/CONF.151/PC/WG.II/L.18, the following observations should be incorporated:

Land-based pollution is the most important threat to the marine environment, yet to date there is no global instrument to combat such pollution (legal instruments for this purpose have been adopted in only five subregions).

Consideration should be given to the establishment of global machinery to coordinate protection of the marine environment against pollution from all sources.

Within the framework of applicable international agreements, coordination will cover accidental pollution, dumping of wastes, land-based pollution, air pollution and burial of wastes in the sea-bed.

In addition, account must be taken of physical and chemical changes in the marine environment, which may affect:

* The productivity of coastal and deep-sea zones at all stages in the food chain;

* The quality of coastal and deep-sea marine resources used by man.

Sound and sustainable use of marine biological resources, as well as the development of human resources specializing in the management of marine resources, are strongly recommended.

A number of changes are proposed in this chapter (Protection of oceans and seas):

Page 3, paragraph 1

Third line: "It must be viewed as a positive asset presenting opportunities for sustainable development" instead of "It should be viewed ...".

Fifth line: "is a necessary prerequisite for ensuring" instead of "is a prerequisite for ensuring".

Page 3, paragraph 2 bis

Fifth line: "management of oceans and areas falling under national sovereignty" instead of "management of oceans and coastal areas falling under national sovereignty".

Sixth and seventh lines: "the areas" instead of "the coastal areas and Exclusive Economic Zones".

Page 4, paragraph 3 bis

Fourth and fifth lines: "management of the marine resources of zones falling under national sovereignty and deep sea zones" instead of "management of coastal areas marine resources".

Pages 4 and 5, sections A and G

The programme areas proposed are acceptable. However, changes are necessary in sections A and G.

Section A:

First line: "zones falling under national jurisdiction" instead of "coastal areas".

Section G:

First line: "management of the high seas and zones falling under national sovereignty" instead of "ocean and coastal management".

Page 5, section A

"Integrated management of zones falling under national sovereignty" instead of "of coastal areas of the exclusive economic zone".

Page 7

Possible changes in paragraphs (a), (b), (c) and (e).

(a) "Creation or strengthening of an appropriate legal framework" instead of "Appropriate legal framework".

(b) "National programmes for operative environmental assessment" instead of "Programmes for ...".

(c) "National and international contingency plans" instead of "Contingency plans".

(e) "National and international finance management systems" instead of "Finance management systems".

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Working Group II
Item 2 of provisional agenda

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS,

PROTECTION OF THE OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

COMPILATION DOCUMENT ON OCEANS

Addendum 1

Report of the Secretary-General of the Conference

COMMENTS FROM CANADA AND VENEZUELA

Introduction

1. As requested by the Preparatory Committee in paragraphs 4 and 5 of decision 3/21, documents and proposals submitted to the Secretary-General in writing before 15 October 1991 were incorporated into the Compilation Document. Submissions received after that date could not be integrated into the Compilation Document, but are being made available as addenda to the document.

GE.91-62924/8166a

92-02649

2. This addendum contains submissions from Venezuela received on 31 October 1991 and from Canada received on 15 November 1991.

COMMENTS FROM CANADA

Note by the Secretary-General: page and paragraph numbers refer to document A/CONF.151/PC/WG.II/L.18. The same paragraph numbers are used in the Compilation Document on Oceans.

MARINE POLLUTION

Page 7, Para. 11

The last square bracketed sentence is extremely vague and should be deleted. [Provisions of mechanisms to facilitate ...]

Page 7, Para. 12

(b) Delete the first squared bracketed phrase [Programmes for operative environmental assessment]. It is unnecessary.

Page 8, Para. 13

(d) Should be revised to read [... limited use of resources on a sustainable basis in protected areas could be allowed ...]

Page 9, Para. 16

(f) Delete (f) because it duplicates what is already stated better in preceding paragraph 16 (e).

Page 10, Para. 20

(a) Should apply to helping all developing countries, not merely developing island countries.

Page 11, Para. 21

"Anthropogenic sources" on the penultimate line (and in other instances where this terminology is used in the same context) should be revised to "anthropogenic activities".

Page 11, Para. 22

Delete [particularly pesticides and herbicides] from the otherwise all-encompassing list.

Page 13, Para. 27 bis.

(c) Make cross references to lead roles of other issues on human settlement and sewage respectively.

Page 14, Para. 32

(c) To avoid confusion and/or competition over priorities, it is suggested that (c) should read "Strengthen and develop national and regional integrated action plans".

Page 15, Para. 35

(c) Delete [and industrial effluents] which is addressed in paragraph 36.

(e) Delete [and industrial] which is addressed in paragraph 36.

Page 15, Para. 36

(c) Taking into account different national capacities as a technological issue should be addressed in the preamble, whereas the nature of marine conditions which determine whether or not nutrients are impacted should be explicitly stated.

Page 16, Para. 36

(d) Delete [... to preclude sea dumping ...] as this unnecessarily limits the scope of the assistance required as well as detracting from the priority concern for land-based sources of marine pollution.

Page 17, Para. 42

(a) Same comment as for page 15, paragraph 36 (c).

Page 17, Para. 42

(c) Delete. This conveys an erroneous impression of poor coordination and communication, when in fact the two Secretariats are making good progress towards clarifying and strengthening the relationship between the Basel and London Dumping Conventions. Ultimately it is States and not secretariats which must decide on how best to proceed.

Page 19, Para. 52 bis.

Leave in square brackets for further consideration by Working Group III at PrepCom IV.

LIVING MARINE RESOURCES

General Comments

The document generally reflects Canada's position on Living Marine Resources. It contains specific elements from L-16 a document prepared initially in the context of the Law of the Sea, and the continued inclusion of these elements in future versions of the paper is seen as essential.

Several paragraphs (3, 62, 69, 70, 91, 106, 108) support the concept of large marine ecosystems. This approach will facilitate regional and high seas

fisheries management coordination. Similarly other paragraphs (17 (b), 32 (b), 44, 51, 75, 85) support a global ocean extension programme which Canada supports in other areas. Paragraphs 50, 52 and 71 support indigenous human resource development which Canada fully supports.

Several paragraphs (59, 62, 65, 69, 86, 87, 88, 89, 90, 91, 92, 93, 94) reflect the UNCED document L-16. Canada is a co-sponsor of this document and associates itself with these paragraphs on the understanding that the paragraphs referred to apply to the high seas and not to the 200 mile zone. With that proviso, Canada supports adoption of the above referenced paragraphs.

Canada does not support references to polar regions, and in particular to the Arctic, as are currently found in paragraph 92.

Specific Comments by Paragraph Number (paragraph numbers refer to document A/CONF.151/PC/WG.II/L.18)

Para. 4.	This paragraph needs to recognize the importance of coastal areas for the subsistence uses of indigenous peoples, possibly a reference could be made after the term "human settlements..."
Para. 9.	Indigenous peoples should be indentified separately
Para. 12.	Indigenous peoples should be identified as well as local user groups rather than local populations
Para. 13.	The integration of traditional ecological information with scientific information should be promoted. Canada should support 13 (d) as the traditional use of marine resources in National Parks or protected areas is accepted in Canada. In 13 (bis.) after "best scientific..." add "and traditional".
Para. 16.	To improve the information base it will also be necessary to access the traditional knowledge base available to many coastal States
Para. 18.	Add "and participate" after maintain in line 4
Para. 20.	Replace "native" with "indigenous" to be consistent with other parts of the document
Para. 27 bis. (c).	Add "activities including" after "offshore oil"
Para. 28.	Support removal of square brackets
Para. 30 (c).	Replace "agriculture" with "other land and freshwater activities"
Para. 32 (b).	A global convention may be more difficult to achieve than a regional (e.g. Asia-Pacific) programme.

Para. 52.	Include reference to traditional ecological knowledge held by indigenous people
Para. 62.	Add "and traditional" after "scientific..."
Para. 65.	Add "subsistence" after "commercial..."
Para. 70 (d).	Add "and control" after "exploitation"
Para. 81.	This paragraph must recognize the importance of and need for subsistence hunting of marine mammals, particularly whales. Canada has previously opposed the extension of IWC's jurisdiction to include "small cetaceans".
Paras. 83, 84.	In Canada indigenous people have a special role.
Para. 116.	Add "indigenous people" after "fisherman"
Para. 128 (b).	Canada is prepared to share all scientific information as specified by UNCLOS. There is also a need to find a way of making use of traditional ecological information.
Para. 130 (b).	Add "source" before the word "fate"
Para. 134.	Add "traditional ecological information" after "integrate".

COMMENTS FROM VENEZUELA

Note by the Secretary-General: paragraph numbers refer to document A/CONF.151/PC/WG.II/L.18. The same paragraph numbers are used in the Compilation document on oceans.

Para. 58.	It is suggested that the concept of "indigenous peoples" should be replaced by that of "local communities". This would make it possible to cover the special situation not only of what are known as "indigenous" peoples, but also of communities settled on coasts that have historically been making use of the marine areas adjacent to such coasts to support themselves, through exploitation of marine resources using what may be termed traditional methods.
Para. 59.	Although in voting in favour of resolutions 44/225 and 45/197 of 21 December 1990, Venezuela associated itself with those countries which have declared their opposition to large-scale pelagic drift-netting, it regards as inappropriate the reference to this method alone in the list of "fishing practices" in the last sentence of paragraph 59. If there was general agreement to retain the substance of this sentence, a thoroughgoing redrafting would be necessary to give it more clarity and consistency.

Para. 66 bis. Similar comments apply to this paragraph, for the same reasons. Ultimately it should be expanded, and the reference to large-scale pelagic drift-net fishing should be used as an example of practices that have adverse effects on living resources in general.

Para. 69. As regards paragraph 69, there is no doubt as to the need to elaborate on a number of concepts and rules in order to provide Agenda 21 with broad and concrete content. Nevertheless, Venezuela feels that the drawing up of Agenda 21 cannot be used as an opportunity to oppose existing systems of rules which are acknowledged to form part of international customary law, and which have been developed as a result of an arduous and complex process designed to secure global consensus. Furthermore, where certain topics are concerned, it is important not to prejudge the outcome of work on rules in other international bodies whose nature makes them better suited to deal with these specific topics than the Preparatory Committee and UNCED itself.

Paragraph 69 illustrates this situation. It is not acceptable in its present drafting because, firstly, it is not in keeping with the provisions of the relevant articles of part V and part VII of the 1982 Convention on the Law of the Sea, relating to the high seas. While further elaboration and development of the rules set forth in these parts is regarded as necessary, it would be extremely dangerous to encourage a questioning of the balance achieved in the distribution of rights and powers in those and other parts of the 1982 Convention. Efforts to legitimize a further exercise in "creeping jurisdiction" on the part of coastal States cannot be accepted. It is also considered that the Preparatory Committee and UNCED itself are not the most appropriate bodies to draw up rules directly related to the legal regime governing the conservation and management of the living resources of the high seas.

Para. 70. It is suggested that the following words should be inserted in subparagraph (b):

"To define and identify management units based on <u>the concepts of</u> large marine systems, <u>without prejudice to the rights of the coastal State in areas under its sovereignty or national jurisdiction</u>."

The same wording should be inserted in subparagraph (d), or a reference introduced to the relevant provisions of the 1982 Convention on the Law of the Sea.

Para. 72. It is suggested that the following words should be inserted:

"[Assessment] [Development] [Promotion] of fishing methods and strategies ...".

Para. 88. Add the words "of which they are members" after the words "competent international [or regional] organizations".

Para. 92. Delete or redraft in keeping with the relevant rules contained in the 1982 Convention on the Law of the Sea.

Para. 93. Ditto

Para. 96. Inclusion of the provisions of paragraph 96 (b) in Agenda 21 is regarded as premature. This point should be considered in an international conference to be convened expressly to develop the regime of fisheries on the high seas, in which the problem of allocating responsibilities in this area to existing or future agencies would be discussed in a more appropriate manner.

Para. 99. Replace the words "indigenous peoples" by "local communities", for the reasons set out under paragraph 58.